SETTLEMENT MANUAL.

1879.

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Settlement Manual
1879

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Settlements.

Section I.—Preliminary.

The rules contained in this chapter apply to ordinary settlements and re-settlements of estates or parts of estates, and not to first settlements of waste land, which are subject to special rules.

2. The following lands become liable to assessment and settlement:—resumed rent-free lands; estates purchased on account of, or escheated, or forfeited to, Government; islands thrown up in the middle of navigable rivers under certain conditions; and alluvial accretions.

3. All lands coming under settlement may be divided into two classes: *first*, those in which the proprietary right vests in Government, and *second*, those which are the property of private persons. The process of settlement, however, is not materially affected by the class to which the estate belongs in respect of proprietary right. That question has an important bearing on the calculation of the Government share in the assets and on the selection of the person to be held responsible for its payment; but the operations of measurement, inquiry into current rates of rent, and record of the rights and interests of under-tenants of all classes, are substantially the same in all settlements, whether of Government or of private estates.

4. The present settlement law is contained in Regulation VII of 1822, Regulation IX of 1825, Regulation IX of 1833, and Bengal Act VIII of 1879.

Section 2, Regulation IX of 1825, extends the provisions of clause 6, section 2, Regulation VII of 1822, and the remainder of that Regulation (which originally applied only to the Ceded and Conquered Provinces, including Cuttack), *first*, to all lands, including lakhiraj lands, not included within the limits of an estate for which a permanent settlement has been concluded, as far as the same may be applicable; *second*, to all estates held khas, during the period of their being so held; *third*, to the Soonderbuns, the hill tracts of Bhagulpore, and other extensive forests and wastes not included within the limits of pergunnahs, mouzahs, or other revenue divisions specified at the time of settlement as belonging to the mehals then assessed, as well as to all estates bordering on such forests or wastes.

Section 60, Act XI of 1859 extends the same provisions to estates purchased by Government under that law, and they are

to be followed, as far as applicable, in the case of escheated and forfeited estates. Bengal Act VIII of 1879 declares that the sections of the Rent Laws which relate to the determination of the rents payable by ryots with a right of occupancy, shall not be applicable to settlement proceedings; it prescribes rules according to which the Settlement Officer shall record the rents to be demandable from under-tenants and ryots; and the grounds on which only the rents of occupancy ryots may be enhanced, with the procedure. It provides that under-tenants and ryots are liable to pay the rents recorded by the Settlement Officer as demandable from them, unless the rents so recorded are modified by a court in a suit instituted to contest the same, which suit must be instituted within four months of the publication of the jamabandi in the village.

5. Under the orders of Government, contained in paragraph 20 of resolution dated 22nd April 1873, where the settlement operations in any one district do not extend over an area of more than 2,000 acres in the course of one and the same official year, they must be carried out by the regular subordinate establishments constituted under that resolution. When the settlement operations exceed this area, and it becomes necessary to entertain additional agency for the work, local officers should submit to the Commissioners for transmission to the Board, not later than the 20th August of each year, the regular estimates of land-settlement charges drawn up in the form supplied annually by the Accountant-General through the Board to each officer. These estimates will be checked and passed on by the Board to the Accountant-General, to enable him to include the amounts required in the budget estimate for the Lower Provinces which he renders to Government.

6. It must, however, be understood that the mere fact of these estimates being passed by the Board conveys no authority to disburse the amounts entered in them. The sanction for disbursement will be given on detailed statements for each district, which local officers should submit to the Board through the Commissioners, not later than the 10th January of each year, in the forms No. 1 and 1A, given in the appendix. The details to be entered in the columns provided in this form for settlement establishments and contingencies should be filled in according to the classification contained in the Accountant-General's form mentioned in clause 5, any difference between the two being explained. A general statement compiled from these is submitted by the Board to Government, and as soon ss the sum for the settlements of the year is placed at their disposal, the Board distribute it between the different districts. As the orders of Government are generally not received till some time after the beginning of the year, it is practically unavoidable to incur some expenditure under this head in anticipation of sanction.

7. The following several processes are ordinarily comprised in a settlement:—

I.—Identification of the land and securing attendance of persons connected with the land.

II.—Measurement.

III.—Testing of the measurement.

IV.—Determination and record of rents.

V.—Record of rights.

VI.—Disposal of claims to hold land rent-free or at fixed jamas.

VII.—Provision for police, patwaris, &c.

VIII.—Determination of proprietary or other allowances.

IX.—Terms of settlement and selection of settlement-holders.

Section II.—Identification of the Land and Securing of Attendance of Persons connected with the Land.

1. When the land was originally declared liable to assessment by *resumption*, if the resumed land was properly identified prior to resumption, or if it has come under settlement on some previous occasion, the Settlement Officer should experience little difficulty in tracing it. Should it consist in part of parcels of land which are entered in the register as less than 50 beeghas in any one village, he is not to assess such patches, although they may have been resumed.

2. In cases of escheat or forfeiture, and of purchase on account of Government, the duty of identifying the land must necessarily fall on the Settlement Officer.

3. When the estate is of considerable extent, the Settlement Officer should proceed in person to make the necessary preliminary enquiries respecting the position and extent of the land; otherwise a canoongo or amin, or any other competent ministerial officer, may be deputed with the necessary power under section 24, Regulation VII of 1822, the extent of his powers being duly recorded in his letter of appointment.

4. On reaching the village or estate, the Settlement Officer, or the officer deputed by him, should summon the zemindari officers or such other persons connected with the land as may be able to point out the boundaries. Should the parties summoned contumaciously withhold information, they render themselves liable to imprisonment under the above-quoted section till they comply.

5. Putwaris, gomashtas, and other persons by whom the accounts have been kept, may be summoned with their accounts. If they refuse to attend, or neglect to produce the papers, or to

swear to their correctness when produced, or if they decline generally to give evidence respecting them, they also become liable to punishment under sections 23 and 25, Regulation XII of 1817; section 12, Regulation LI of 1819; and clause 2, section 19, Regulation VII of 1822.

6. Collectors have also powers under Act XX of 1848 to impose fines for failure to comply with requisitions which they have authority to make.

7. The Settlment Officer may also summon the proprietor or farmer of the estate under settlement, or may require him to cause the attendance of the village officers. Omission or refusal to comply with such requisition subjects the proprietor or farmer to a daily fine, under clause 3, section 13, Regulation II of 1819, and clause 2, section 19, Regulation VII of 1822.

8. The powers mentioned in the above rules are independent of those under the Bengal Survey Act V of 1875. Where the land to be settled is of considerable extent it will be desirable to move the Government to order that a survey of the tract be made under section 3 of that Act, and to appoint the Settlement Officer, if other than the Collector, to be Superintendent of Survey, and his subordinates to be Assistant Superintendents, or Deputy Collectors for the purposes of the Act, under the provisions of section 4. This done, and the formalities of the Act complied with, the Settlement Officer, and any person deputed by him will be able to exercise any of the further powers described in that Act.

9. In tracing the boundary of an estate, the property of an individual, if some part of the land be found in the possession of a third party, the Settlement Officer should call upon such party under section 19, Regulation VII of 1822, to produce his papers, and should examine him as to his title. If it appear that the land is really a part of the estate under settlement, the Settlement Officer will include it in the assets of the estate, recording his reasons in a proceeding which he will submit for the orders of the Commissioner. He cannot, however, give possession of it, and eventually the proprietor of the estate under settlement will, if the third party refuse to admit his right, have to establish it by suit in the civil court. In such cases it may be made a condition of the settlement that, if at any time the proprietor can satisfy the Government that he has *bonâ fide* done all in his power to recover the land, but that the civil courts have finally decided against his right to it as part of the estate, a proportionate abatement shall be made in the revenue assessed on the estate. The amount of such abatement should be fixed on the settlement proceedings.

Similarly, if the estate be farmed or held khas in consequence of the recusancy of the proprietor, the farmer, or the Collector, as

the case may be, will have to sue in the civil court if the party in possession refuse to acknowledge the correctness of the settlement proceeding, and to give up possession of any land which the settlement finds to belong to the estate under settlement.

10. If, in tracing the boundary of an *escheated*, *forfeited*, or *purchased* estate, lands within the boundary assumed by the Settlement Officer should be claimed by a neighbouring zemindar who is *de facto* in possession of the same, recourse must in like manner be had to the civil court. All that the Settlement Officer can do in such a case is to lay down the undisputed boundary, and where the boundary is disputed to mark *both* lines, collecting at the same time all the evidence available in support of the claim of the Government in order to its assertion in court if necessary.

11. As the provisions contained in clause 6, section 2, and in the thirty-three following sections* of Regulation VII of 1822, may be made use of, as far as they are applicable, in the settlement of *purchased* and other khas estates,† the Settlement Officer should dispose of all disputes respecting boundaries of villages, taluks, and other tenures within such estates under clause 4, section 14 of that law, or refer them to arbitration under sections 7 to 10, Regulation IX of 1833.

* Note.—Section 27 of Regulation VII of 1822 has been repealed by Act XII of 1876.

† Government order, 1st August 1839.

12. Where the land to be settled is of no great extent, the Deputy Collector, amin, or other officer will ordinarily measure and map the land as soon as he identifies it; but where the identification is preliminary to a more regular survey, either by the Professional Survey Department or by a party under the Settlement Officers, the officer employed in the demarcation of boundaries should prepare such a sketch of the village or other boundaries identified by him as will serve for a guide to the officer making the measurement. All natural landmarks on, or in the vicinity of, the boundary line should be shewn on the map, with their correct bearings and distances; and where such marks are wanting, artificial marks should be erected to facilitate the tracing of the boundary. Detailed instructions will be found on the Chapter on Surveys in the Board's Rules.

Section III.—Measurements.

1. The field by field measurements of lands for settlement may either be done by a professional party under the control of the Survey Department, or by the settlement party.

2. In the former case, the rules of the Survey Department for regulating cadastral surveys will apply. The duty of the Settlement Officer as regards measurements will be limited to demarcating the lands to be surveyed in such manner as may be

determined in each case before the survey party takes the field; and to testing the plans of the survey party, when sent to him for that purpose, and indicating to the Survey Department any changes which have taken place since the survey amins made their measurements, and which require correction on the maps before they are finally printed off. Rules regulating these matters will be found in the chapter on surveys.

3. Where the measurements are made by the Survey Department, the settlement work of the settlement party begins when the traces are furnished to the Settlement Officer by the Survey Department with the khasrah forms in which the Survey Department will have filled in the columns of area and such other columns as can properly be filled in by that department. On receipt of these the Settlement Officer will set his party to work to fill in the remaining columns of the khasrah (such as description of soil of each field, rights of occupants, &c.) against each field or plot. It is in the course of this operation that the changes referred to in the last paragraph will be discovered, which should be intimated to the Survey Department for correction of their maps.

4. Where the settlement is not preceded by a cadastral survey made by the Professional Department, the lands should be surveyed and mapped and the measurements made by the Settlement Officer with as much approach to scientific principles and accuracy as circumstances will admit. Where the settlement embraces a considerable tract of country and extends over several seasons, it will be possible to organize parties of amins, and peshkars, or inspectors, with Deputy Collectors at the head of them, who have a knowledge of the principles of land surveying; and in such cases the work may be done on scientific principles, and be very valuable.

For the guidance of settlement officers undertaking operations of this class, a set of rules is published at the end of this section which was drawn up for the survey and settlement of the Khordah Government estate in Pooree. They were framed at a conference at which several officers who had experience of such operations took part, and with the assistance of the Deputy Surveyor-General. The rules would probably require modification for each settlement so as to adapt them to local circumstances; but a similar set of instructions should be framed and issued with the approval of the Board as the first step in each considerable settlement.

5. Such elaboration, however, will not be possible in the settlement of small areas. In each case the Settlement Officer can only do the best of which the agency available will admit. The instructions which were published in the former edition of the Board's rules are therefore reproduced in the following 16 rules as they may be of assistance to those engaged in making rougher measurements for settlement purposes.

6. Measurements should ordinarily be made with chains, unless the prejudices of the people should make them unwilling to dispense with the poles or bamboos to which they have been accustomed.

7. The chain should be 30 feet long; if a pole be used, it should either be of the same length, or some divisor of 30: as, for instance, 6 feet.

8. Instead of any local systems of measurement, the standard Bengal bigha of 14,400 square feet (1,600 square yards), or the English statute acre of 43,560 square feet (4,840 square yards), should be adopted.

9. In measuring with a chain or pole consisting of a certain number of English feet, the results may be adapted to the standard bigha, according to the following calculations:—

When a chain of 30 feet is used.

$\frac{1}{5}$th of a chain by $\frac{1}{10}$th of a chain, or 9 square feet = 1 cowrie.

4 cowries, or $\frac{1}{5}$th of a chain by $\frac{1}{5}$th, or 36 square feet = 1 gunda.

20 gundas, or 4 chains by $\frac{1}{5}$th, or 1 chain by $\frac{4}{5}$ths, or 720 square feet = 1 cottah.

20 cottahs, or 4 chains square, or 1 chain by 16, or 14,400 square feet = 1 bigha.

When the pole is of 6 feet.

1 pole by $\frac{1}{4}$th, or 9 square feet = 1 cowrie.

4 cowries, or 1 pole square, or 36 square feet = 1 gunda.

20 gundas, or 20 poles by 1, or 5 poles by 4, or 720 square feet = 1 cottah.

20 cottahs, or 20 poles by 20, or 5 poles by 80, or 14,400 square feet = 1 bigha.

10. The English statute acre contains 4,840 square yards, and is subdivided into roods and perches; 40 perches making one rood, and 4 roods one acre. The perch of $16\frac{1}{2}$ feet in length and breadth contains $272\frac{1}{4}$ square feet, or $30\frac{1}{4}$ square yards, which, multiplied by 40, gives 1,210 square yards to a rood, and this again multiplied by 4 gives 4,840 square yards to the acre.

11. When the English statute acre is adopted, the system observed by professional officers should be followed. Thus, length and breadth of figures will be taken in Gunter's chains. A Gunter's chain measures 22 yards or 66 feet, and is divided into 100 links, each link being 7·92 inches in length. One chain, or 66 feet, is equal to 4 perches; so that one square chain is equal to 16 square perches, or the tenth part of an acre, and consequently 10 square chains are equal to an acre. Every superficial chain contains 10,000 square links, and every superficial acre

100,000 square links. If, therefore, the contents of a field is made up in square links, divide the number by 100,000, or (which is the same thing) cut off the last five figures, and the remaining left-hand figure or figures will give the contents in acres; the remainder being decimal parts of an acre, which multiplied by 4 and 40 will give the number of roods and perches respectively.

The table of square measure is as follows:—

144	square inches	=	1	square foot.
9	„ feet	=	1	„ yard.
$30\frac{1}{4}$	„ yards	=	1	„ perch.
40	„ perches	=	1	rood.
4	roods	=	1	acre.
640	acres	=	1	mile.

12. When a pole or rod of $16\frac{1}{2}$ feet is used, the calculations will be—

Rod.	Rod.	Sq. ft.	Sq. ft.	
1 ×	1, or	$16\frac{1}{2}$ ×	$16\frac{1}{2}$ =	$272\frac{1}{4}$ square feet, or 1 square perch.
1 ×	40, or	$16\frac{1}{2}$ ×	660 =	10,890 square feet, or 1 rood.
4 ×	40, or	66 ×	660 =	43,560 square feet, or 1 acre.

13. A long pole should be used, and it should not be thrown by the hand of a single man—a practice which must fail to ensure correctness—but should be carried over the ground by two men, one holding each end, while a third person pitches a pin or arrow into the ground perpendicularly to the end of the rod.

14. The tables given in the appendix No. 2 will serve to facilitate the conversion of acres into bighas, and *vice versâ*.

15. Where a large establishment is employed, the Collector or Settlement Officer should instruct a few of the more intelligent amins, who should in their turn become the instructors of others; and no person should be employed as an amin till he has shewn that he thoroughly understands mensuration. The measurement must be made field by field. Contiguous fields, however, if consisting of land of the same description and held by the same ryot, may be measured together as one plot. The rules in the chapter on Surveys should be adhered to as closely as possible.

16. Whatever the nature of the measurements to be made, every Settlement Officer should provide himself with a sufficient stock of measuring instruments, such as chains, compasses, &c. Paper scales may be manufactured at a very trifling cost, and will prove as serviceable pasted on a board as those made of iron or brass. Should the compasses get out of order, such is the simplicity of their construction that they may ordinarily be repaired by a common blacksmith; otherwise they should be sent for repair to the Superintendent of the Mathematical Instrument Department at the Presidency. When the needle becomes

disordered the magnetic power may be restored by a few passes with a loadstone, with which the Settlement Officer should always be provided.

17. Applications for instruments must be submitted in the form and in accordance with the rules and regulations of the Calcutta Government Mathematical Instrument Department, which form an appendix (No. IV) to the chapter on Surveys.

18. It is of importance that the instruments required should be correctly described, according to the list contained in the rules and regulations alluded to in the foregoing clause, in order to preclude doubt or misapprehension. Such articles as drawing paper, quills, colours, and the like are supplied from the Stationery Office, and should not be included in these indents.

19. The headings of specimens of an amin's schedules (chitta) are given in appendices Nos. 3 and 3A. It should be borne in mind that these schedules are not intended to serve the purpose of the *first* settlement only. If carefully prepared, they cannot fail to be of much use for future settlements as well. With this view such information should be recorded as may be made available for a future occasion.

20. The form of chitta may be modified so as to suit local circumstances, but the modified form must be approved by the Commissioner before it is adopted. The notes appended to the forms will be a guide to the character of the information which it is designed to record under the varying circumstances there referred to.

21. From the schedules, or chittas, abstracts (khatians) and a rent-roll (ekwal) must be prepared in the forms given in appendices Nos. 4, 4A. and 7. When the lands of a village are held by talukdars, a second abstract and rent-roll in forms Nos. 5 and 8 must be prepared, showing the lands belonging to each taluk. So also when an estate is composed of taluks, some of which have lands in several villages, the forms in which the distribution of the lands of each taluk should be shown are those numbered 6 and 9 in the appendix. Besides these papers the amin must furnish a general abstract (terij) in form No. 10, and a report, arranged under different headings (form No. 11), accompanied by a khasra map of the lands measured by him, prepared as far as possible according to the rules given in the chapter on Surveys.

22. Amins should be paid by the month rather than by contract, unless the former method should greatly enhance the cost of measurement. No invariable rule is enjoined in this respect. The practice of paying by the piece, being so generally prevalent and so much approved, need not be wholly abandoned; but the Settlement Officer should exercise his judgment as to the arrangement best suited to the work in hand.

23. No fixed rates can be laid down for contract work where that mode of remuneration may be adopted. The Settlement Officer will determine the rate according to the circumstances of the case. Lands widely scattered in patches cannot be measured at the same rate as compact alluvion; but whenever the expense exceeds Rs. 2 per 100 bighas, or Rs. 6 per 100 acres, an explanation must be submitted with the statements prescribed by clause 6 of section 1.

24. The amins must not be kept many months in arrear. If their pay is issued with regularity, there never will be occasion to make advances; but in job work two-thirds of the rate of pay authorized for salaried amins may be advanced monthly to each person employed, subject to adjustment on completion of the measurement.

25. When many amins are employed, unless they act immediately under a Deputy Collector, there should always be a superior officer, styled an Inspector over them, receiving not less than Rs. 25 per mensem.

Rules for cadastral survey and measurement of the Khordah Estate by the Settlement Party.

[See Clause 4 above.]

I.—When the skeleton maps of village boundaries on the scale of 32 inch = one mile have been received from the professional Surveyors, the Settlement Officer is to consider and decide the area to be assigned to each Deputy Collector's party.

II.—The whole area to be measured should be divided, as far as may be, into three equal compact parts of about 75,000 acres (117 square miles) each. One part to be assigned to each separate Deputy Collector.

III.—The Deputy Collector's main camp should be in some central place within the area under survey by his amins. The amins should be concentrated as much as possible.

IV.—The Survey Department sheets on which the fields will be surveyed and mapped contain an area of 292·5 acres. They will form convenient sized blocks for each settlement amin to work on. The area contained in these sheets will also be sub-divided into smaller sections by theodolite lines and stations running through the village,* fixed by the professional Survey Department. The amin must complete one sheet before he commences work on a second.

* The Surveyors shall have theodolite stations and lines on or near the common margins of sheets when one village is plotted on two or more sheets.

V.—The area assigned to each Deputy Collector should be divided into five sub-circuits. Each sub-circuit to be under the charge of a peshkar. The peshkars should visit every amin once a week at least, and test his work. Not less than 10 per cent. of the work should be thus tested.

VI.—Before commencing the actual measurements and khasra work of fields, the amin should run lines from and to the fixed points given by the professional Surveyors, constructing a net-work of triangles, with sides of about ten chains in length. When measuring the sides of these triangles,

all field boundaries crossing the lines shall be carefully noted on a rough sketch made on country paper, and also plotted on the plan of the village. The whole plan or sheet will thus be sub-divided into numerous small triangles, and accumulation of error from building up field upon field be obviated.

VII.—Ten amins should be employed under each peshkar. The amins must fill in the khasra and khatian on the spot. The khatian should be written out daily as the measurement proceeds, and should on no account be allowed to stand over till the measurement of the village is completed. The khatians should be signed by the ryots before the amin leaves the village; but in order to guard against the possibility of the amin's compelling the ryots to sign the chittas or khatians against their will, the Deputy Collector should have the bhian signed in his own presence.

VIII.—The amins must plot the fields on the plans and compute the areas field by field as the measurement proceeds. The maps need not be inked in on the spot. This will be done in the Settlement Office.

IX.—All entries in the khasras and other records should be written in black ink. If mistakes be made the pen should be drawn through the original entry and the correction should be written with red ink, and should be initialed by the officer who makes the correction.

X.—The pages of the khasras are to be totaled daily.

XI.—After each plan or sheet has been measured, and the details have been tested and corrected on the spot, the plan should be sent to the Settlement Office, where it will be inked in and where the areas will be tested and traces made on vellum.

XII.—As soon as this is done a trace should be sent to the Deputy Collector.

XIII.—Fields and such sub-divisions of fields as require to be separtely settled are to be measured by amins or field-measurers in the khasra method, that is to say, by measuring the four sides and the diagonals of the field if quadrilateral, or, if the field be irregular in shape, by dividing it into convenient portions, either quadrilateral or triangular, and measuring their sides by intersections or by offsets.

XIV.—Each homestead in the village sites should be separately shown on the map and should have a separate number. If the scale adopted for field measurements should not permit of this being done, the village site should be measured in one block. In this latter case a separate map of the village homesteads should be made on a scale sufficiently large to permit of each separate homestead being clearly and separately shown on the map.

XV.—Fields shall be numbered consecutively right through the village, commencing from the north-west corner where practicable.

XVI.—When subsequent to the survey, the plotting, and the numbering of fields, two or more fields are found to have been clubbed, and a division for any purpose is necessary, the original numbering shall be retained and the additional number of the field should be added below it. Thus, if 6 be the original number of a field which it is found necessary to sub-divide, and 629 be the last number of the khasrah and the plan of the village, the sub-divisions should be numbered $\frac{6}{630}$, $\frac{6}{631}$, &c., &c.

XVII.—Each separate field requiring to be separately settled, should have a separate number in the map and khasra.

XVIII.—The field areas shall be calculated by the amin on the spot, either with the acre comb, or by actual calculation from the length and breadth, distances and diagonals, as the Settlement Officer may direct.

XIX.—The difference between the summation of fields and traverse area of each village should not exceed two per cent. It is to be remembered,

however, that the agreement of the summation of fields and traverse area on this system is not meant to be a test of the accuracy of the field measurements. They must be tested by actual measurements (purtals) on the ground. The agreement between the summation of fields and traverse area only indicates that the detailed arrears have been correctly computed, but it does not in any way show that the measurements were correctly made.

XX.—When offset measurements are resorted to, they should not exceed two chains in length.

XXI.—The position of trees, and other objects forming land-marks, should be carefully measured and mapped.

XXII.—Large patches of waste may be divided into blocks for convenience of consecutive numbering.

Check, or purtal.

XXIII.—The peshkar, on the occasion of each visit to an amin, must check the work done by the amin up to the date of his visit. The purtal may be on either of the following systems :—

First system.

XXIV(*a*).—The measurements and plans of the amins may be checked by running lines across the work done by the amins, from one fixed point to another, and noting if the filed boundaries intersected by the purtal line agree with those shown on the amin's plan. Where errors are found, they must be corrected on the spot and reported to the Deputy Collectors.

(*b*).—On this system, the peshkars must check not less than five per cent. of the area computations of the amins.

Second system.

XXV(*a*).—The test or purtal is to be the measurement of direct lines between fixed points, and the *complete survey* and khasra record of each field through which these lines may pass.

(*b*).—The purtal measurements are to be plotted in the field, the measurements of the sides of the fields being entered on the plan itself, and the khasra record in the form prescribed.

(*c*).—Immediately after the measurement of a purtal line the amin's plan is to be compared with it, and all the purtal plans by peshkars are to be forwarded weekly to the office of the Deputy Collector for record, with a report of the result of the comparisons and the measures taken to correct errors.

(*d*).—On this system not less than 10 per cent. of the fields surveyed by the amin are to be tested by the peshkars.

(*e*).—The purtal plans, after completion, are to be traced on tracing cloth (vellum), and a comparison made with the sectional plan of the village. The result of the comparison will then be noted on the purtal plan by the Deputy Collector, and an order at the same time entered at the passing of the plan or otherwise. These purtal plans and tracings are to form part of the village records, and a certain percentage of them should be examined by the settlement officer on the occasion of his visits to the camps of Deputy Collectors.

XXVI.—All khasra entries of the fields crossed by the purtal lines must also be checked by the peshkars, who must put their initials in the column of remarks for each field they have so checked.

XXVII.—In the weekly and monthly returns the peshkars must distinctly show (in the manner prescribed by the Settlement Officer) how much, and what description of work they have tested and passed as correct.

XXVIII.—After each section or sheet of a village is filed in the Deputy Collector's office, it must be finally purtalled by himself, or, under his direction, by a trustworthy officer, on either of the systems which are prescribed above for the peshkar's purtal.

XXIX.—If a Deputy Collector is unable himself to purtal the work in any section, and finds it necessary to depute a selected peshkar to do so, in such cases special precautions must be taken that they do not have access to the plans lodged in office, and the lines to be measured by the peshkars should invariably be selected by the Deputy Collectors. The lines selected may be made known to the peshkars by means of tracings or sketches on rough paper, of the theodolite stations of the sections, on which tracing the line to be purtalled should be sketched.

XXX.—Every purtal line should be shown in the plans, peshkar's purtal lines being shown by blue dotted lines, and the Deputy Collector's purtal lines by firm blue lines.

XXXI.—The percentage of fields purtalled by the different agencies should be shown in the monthly and annual reports.

XXXII.—The Settlement Officer should draw up a set of detailed instructions as a guide to the amins for filling in the khasra and other forms.

XXXIII.—The detailed instructions drawn up by the Settlement Officer with the forms should be submitted to the Board of Revenue for approval. When approved by the Board, these detailed instructions should be copied by every amin with his own hand, or they should be printed and a copy should be given to each amin.

Instruments.

XXXIV.—Every peshkar, and every amin, should be furnished with a plane-table with tripod, a pair of drawing compasses, a Gunter's chain, and scales for measurements and for arrears. Deputy Collectors and peshkars should also be supplied with optical squares for purtal measurements, and each peshkar should have two plane-table site rules for the use of the amins of his party when village sites are being measured.

Pay of Amins.

XXXV.—Amins are to be divided into four grades—

1st	grade,	Rs.	23
2nd	,,	,,	18
3rd	,,	,,	15
4th	,,	,,	12

} per month.

XXXVI.—The Settlement Officer to arrange his establishments according to the exigencies or emergencies of the work and the seasons of the year, keeping strictly within the budget allotments, and to appoint, dismiss, promote, or degrade peshkars, amins, mohurirs, or chainmen, as may be necessary. Provided that every change from the sanctioned scale of appointments in classes, such as amins, mohurirs, &c., shall be reported to the Commissioner for sanction before being carried out, excepting such increase of numbers in the lower grades of any class of appointments which may be compensated for by reduction of numbers in the higher grades of the same class so as not to increase the aggregate salaries of such class.

XXXVII.—An amin is expected to complete 300 acres per month, and should certainly complete not less than 250 acres.

XXXVIII.—The conventional signs used by the Revenue Survey Department to show topographical details should, as far as possible, be adopted.

XXXIX.—It is not necessary that hills should be drawn on the maps. It will be sufficient to write the word "hills" in the space occupied by hills in the maps.

Section IV.—Testing of the Measurement.

1. Measurements conducted by an amin, canoongo, or other inferior officer, must be tested by the Settlement Officer, who, by measuring a few fields in different parts of the estate, will be able to form a tolerably correct opinion of the general character of the work. The result of the scrutiny should be recorded in form No. 12. In the event of complaints of incorrect measurement being preferred, the Settlement Officer should, of course, subject to particular investigation the fields which form the subject of complaint. In very petty estates the measurements may be tested by a canoongo, or such other competent ministerial officer as the Collector may depute, provided always that the testing is done by some other than the measurer.

Note.—When more than one estate, or portions of more than one estate under settlement, are in the same village, the measurement of all can be tested at the same time; the test in that case should be rather so many plots per cent. (say 5 per cent.) than a few fields in each estate, for each estate may often not contain more than a few fields.

2. Remeasurement should not, as a general rule, take place when the amount of error is below 10 per cent.; but in this respect much must be left to the discretion of the Settlement Officer. Error, even when exceeding 10 per cent., may sometimes, especially if caused by miscalculation of areas, or oversight, be remedied without resort to actual remeasurement; but should there be reason for suspecting wilful error, remeasurement should be undertaken, however small the amount of apparent error may be.

Section V.—Determination and Record of Rents.

Rents of ryots.

1. After the measurements and classification of land have been completed and recorded, the duty of the Settlement Officer will be to assess the rents which shall be recorded as demandable under Bengal Act VIII of 1879, *first* from the ryots, *secondly* from the under-tenants.

2. By section 2, Regulation IX of 1833, so much of Regulation VII of 1822 as prescribes that the amount of revenue to be demanded shall be calculated on an ascertainment of the quantity and value of actual produce, or on a comparison between the cost of production and value of produce, was rescinded. Referring to this provision, the Board remarked, on 12th November 1833, that the only safe and practical foundation for the calculation of the public revenue was the rent *actually paid* by the several tenants, of whatever class or description, and that when it was found impossible to obtain this information in the estate under settlement, the rent paid for land of the same quality and under

similar circumstances in the adjoining estates was the best criterion. Since these instructions were written, however, circumstances have changed, and owing to the rapid development of the country and the difficulty which besets the attempt to raise the rents which are paid by ryots, it is frequently found that neither the rents which are actually paid on the estate under settlement, nor those paid in adjoining estates approach to what is fairly and equitably demandable under existing circumstances. In such cases the rents to be recorded as demandable in the settlement proceedings cannot be determined by comparison with the rents actually paid.

3. Section 5, Bengal Act VIII of 1879 requires that the rent recorded as demandable from each ryot shall, except as otherwise provided in the Act, be in accordance with the general rates sanctioned or subsequently approved for adoption in the settlement by the Revenue authorities from time to time empowered in that behalf by the Lieutenant-Governor.

4. In every case it will be necessary for the Settlement Officer to draw up a careful proceeding, in English if possible, discussing fully the general rates of rent which he would adopt for each description of land, and justifying them.

5. Where the proposed rates can be justified by reference to rates which are ascertained to be actually paid on the estate itself, or in the neighbourhood for similar lands, this will afford the simplest ground. It will only be necessary carefully to specify the rates so found to exist in each neighbouring estate, the character of the enquiry made, and the evidence by which those rates were established.

6. But where the general rates proposed to be adopted are selected on other grounds, such as the principle of taking a certain proportion of the price of the average produce as rent, or a comparison of general prices of agricultural produce as found to prevail, with the prices which prevailed at or about the time when rents on the estate were last generally adjusted, a most careful and minute record must be made of the enquiries by which the Settlement Officer has arrived at each of the data by which he justifies his proposed rates, such as the estimated average ordinary produce of the land; the estimated average price of such produce; the prices which prevailed at the last settlement or when the rents were last generally adjusted on the estate, &c.

7. Too great care cannot be taken in conducting the inquiries on which the selection of rates is founded. A mistake must be injurious either to the Government or to the ryots. The inquiries made, whether on the estate or in neighbouring estates, should be recorded with such particularity as to show the reasons which guided the Settlement Officer in the selection of the rates, and to enable the sanctioning authorities (who have no opportunity of seeing the land or holding local investigations) to

form their own opinion on the propriety of the rates. For instance, in distributing the land into different sorts, it should be mentioned with reference to what standard the classification has been made; whether, that is, with reference to the land in the village under settlement, or to that in the pergunnah, or to that of the estate generally. The Board has had occasion to notice that the data on which rates are fixed are very inadequately set forth in settlement reports. In some cases it has been thought sufficient to justify the rates proposed by comparison of their average incidence with the average incidence of rates for all classes of lands in adjoining estates or villages. This may prove altogether fallacious. The rates proposed to be adopted must be justified much more precisely.

8. In appendix 13 will be found some instructions which were given by the Board for the determination of rates and the preparation of the rate report in the Khordah estate. They will serve as a guide for the preparation of such reports generally.

9. It should always be borne in mind by the Settlement Officer that his business is not to determine the highest rate which the land may pay for a year, but what can be paid with regularity in average years. It especially behoves him not to conclude too hastily that what appears to be an appropriate assessment is actually so. Fertility of soil is not the only circumstance which regulates the power of land to pay rent. The demand for land or labour, as affected by the denseness or otherwise of the population, the salubrity or inclemency of the climate, and the abundance or scarcity of good culturable soil in the vicinity, must all be taken into account.

10. With reference to the provisions of section 5, Act VIII (B.C.) of 1879, the Lieutenant-Governor has empowered* the revenue officers mentioned below, respectively, to sanction or subsequently to approve general rates of rent for adoption in settlements of the different classes specified and Settlement Officers must submit their rate reports for sanction accordingly.

* Vide *Calcutta Gazette*, of 11th June 1879, Part I, page 544.

I.—Regular settlements in which the number of ryots whose rents are to be recorded under the Act does not exceed 200.	The Collector or other officer specially empowered by the Government to exercise the powers of a Collector on this behalf.
II.—Regular settlements in which the number of such ryots exceeds 200 but does not exceed 400.	The Commissioner of the Division.
III.—All other casses... ...	The Board of Revenue.

In applying the above rules, those ryots only will be taken into account who are entitled to have their rents recorded under the Act. Subordinate tenants holding under such ryots, whether known as karfa ryots or by any other name, need not be taken into account, even though the settlement officer may, for statistical or other purposes, record in his proceedings the rents which are actually paid, or which he considers might fairly be paid by such subordinate tenants.

11. The general rates for ryots having thus been sanctioned and approved, the Settlement Officer will proceed to apply them by calculating the rent payable by each ryot on the land which he holds. In so doing the general rates should not be rigidly and mechanically applied to every field. In ryotwari assessments, such as are ordinarily made in Bengal, the most minute attention to local advantages and disadvantages is indispensable. Inferior land in an advantageous position will sometimes be found paying higher rent, *i e.* to be deemed more valuable than better land less favourably situate; land in the middle of a plain, in every respect the same in quality as land on its edge, may be found paying double the rent of the latter because less exposed to trespass from cattle. So also land near a village may be found paying more than land of the same description at a distance from it. In assessing, full weight should be given to all such circumstances affecting the value of the land.

12. The rapid extension of the growth of new and valuable staples of late years gives particular importance to the orders of the Court of Directors, dated the 12th April 1837 (appendix No. 14). Assessments should invariably be fixed according to the value and capabilities of the land, and not according to produce.

13. Where it has been the practice to let the land lie fallow to recruit, either on account of the natural poverty of the soil, or of its natural fertility having been impaired by constant crops for a long series of years, provision should be made accordingly in the assessment; that is, land lying fallow should be left unassessed. If a ryot cultivates five bighas, one of which is always left fallow, then, if the rate of land in cultivation is one rupee per bigha, he should be assessed Rs. 4 for his five bighas, or at the rate of 12 annas 9 pies per bigha.

14. When rents have been collected in kind, however inconvenient the system may be, it must not be inconsiderately superseded by a money rental. If liberal terms of exchange are allowed, the ryots in most places will probably agree to the substitution of a money assessment; and some sacrifice even may be submitted to for the attainment of so desirable an end. But should commutation be unavoidable, the rate and terms of payment and proportion of crop to be delivered, with every other condition, must be clearly specified.

15. When there are minerals, only the rents of mines existing at the time of settlement are to be treated as an asset.

16. When the standard bigha differs from the local bigha, a corresponding adjustment of the local rates, whether by reducing or increasing them, must be made.

17. The above rules for determining the rents of ryots are of course not applicable to holders of mokurruri and istumrari ryotti tenures, or other ryots who are protected by law against enhancement.

Rents of Under-tenants.

18. Besides the rents of the ryots, it will be the duty of the Settlement Officers to record the rents demandable from the under-tenants, or intermediate tenure-holders, with reference to section 7, Bengal Act VIII of 1879.

19. In accordance with that section the Settlement Officers will first determine whether the tenure is binding against the Government, or whether it is only binding against the zemindars.

20. Careful discrimination will sometimes be required in distinguishing between ryots and under-tenants with reference to the above Act. It may be found on examination that tenants who at first seem to occupy the position of intermediate holders (the under-tenants of the Act), and who are locally known by titles which imply such a status, are really ryots who are entitled to have their rents determined and recorded under section 6, and not under section 7 of the Act. Such are found to be some of the haoladars of the Eastern districts, who are merely jangalburi ryots, the holding having originally consisted of uncultivated land taken up by them for cultivation, and which has since been reclaimed and cultivated by their agency, either directly or through subordinate cultivators known as korfa ryots. In such cases the ryot is entitled to have his rent dealt with under section 6 of the Act, and it may be that he will be found entitled to hold at a privileged rate below the general cultivating ryot's rate. The names of the subordinate tenants holding under such ryots, and the details of the land held by such, should be recorded in the settlement proceedings, but the Settlement Officer cannot go below the ryot himself in fixing the rents which will be demandable from such subordinate tenants. He may, for statistical purposes, or for the purpose of fixing the superior ryot's rent, or otherwise, find it expedient to make a record of the rent which is actually paid, or which he considers might fairly be paid, by the subordinate tenants; but such record will not have validity under section 10 of the Act, and will be in no way binding either on the ryot or on the subordinate tenant, and whenever such details are recorded, this should be clearly specified in the proceedings.

21. When the Settlement Officer has found that the tenure of an under-tenant is binding as against the Government, he will proceed to ascertain the gross rental which has been recorded as payable to him from all the ryots and subordinate under-tenants (if any) who are included in the tenure, and to determine the rent of the under-tenant so as to leave him a fair margin of profit on such gross rental. The law requires that his rent shall be fixed at an amount which shall not be higher than the gross rental *minus* 10 per cent., but it should be borne in mind that this is only a legal maximum. It will only be necessary to fix the under-tenant's rent so high in cases in which a series of under-tenants with rights binding as against the Government are found existing between the Government or the zemindar, and the ryot, each of whom is entitled to his share of the profit before the rent reaches the zemindar or the Government treasury. Ordinarily the Settlement Officer will determine what is a fair rent for the under-tenant to pay with reference to the character of the tenure, the rate of profit allowed to him at previous settlements, and all other circumstances of the case. A profit of 20 or even 25 per cent. on the gross rental of his tenure will often be found to be no more than what the under-tenant is fairly entitled to.

22. In temporarily-settled estates the property of individuals, tenures created by the proprietors to extend beyond the period for which the settlement of land revenue has been made with the proprietors, will not ordinarily be binding against the Government, so as to oblige the Settlement Officer to recognize the arrangements in so far as it may affect the revenue demand which might be assessed on the estate; but if Government officers have at previous settlements recognized such tenures as valid, they will thereby have become binding on the Government.

23. In estates which have become the property of Government by escheat, and in which the Government has only succeeded to the rights of the late proprietor, all tenures which would have been binding on the late proprietor will be binding on the Government.

24. In estates purchased by Government at a sale for arrears of revenue, the Government will exercise the same rights of voiding tenures as any private purchaser.

25. In respect of tenures which are not binding upon the Government, the Settlement Officer will determine and record the rents payable under clause C, section 7 of the Act. VIII (B.C.) of 1879. In such cases he will act to the best of his judgment in dividing the profit, which remains after deducting the Government revenue demand from the gross assets, fairly between the zemindar and the under-tenants of each grade, if there are more than one. But under section 10 of the Act the rents recorded by the Settlement Officer in respect of this class of under-tenants

are liable to be varied at the discretion of the Civil or Revenue Court in which they may be contested under that section.

26. When a Settlement Officer finds tenures on a Government estate which are invalid from want of authority in the person who created them, he need not necessarily set them aside. The creation of the tenure may have been *bonâ fide* for the good of the estate (as where jungle tracts have to be cleared and brought into cultivation), and the under-tenant may have done good service. In such cases the tenures may be recognized and confirmed, but the sanction of the Commissioner will be required.

Section VI.—Record of Rights.

1. The rights of under-tenants and of cultivators are to be carefully recorded as required by clause 1, section 9, Regulation VII of 1822; but it must be borne in mind that the law only sanctions the record of actually existent and acknowledged or established privileges, and not the creation of new ones.

2. The grant of pottahs is a matter of great importance. They should be given to all ryots in Government estates as a matter of course if the ryots desire it. They should also be given in estates which are held khas or let in farm in consequence of the refusal of the proprietors to accept the settlement. The term for which they are granted must depend on circumstances. The object to be kept in view is to afford full encouragement to the spirit of improvement. When the ryots are persons of some substance, and the land is in such a condition that no further improvement is to be looked for without the outlay of capital, leases should be long, in order to encourage outlay. So, also, when the land is overrun with jungle, and much labour is necessary to clear it, long leases will be proper. On the other hand, if the ryots are poor, and there is neither inclination nor power to improve the land, the engagement should be short.

3. In estates other than those which are the property of Government, or which are held khas, or farmed in consequence of the recusancy of the proprietors, the Settlement Officers will not give pottahs; but protection may be afforded to ryots by giving effect to the provisions of clause 1, section 9, Regulation VII of 1822, which enjoins that a specification of the holding or tenure of every ryot and of the rent assessed on it shall be recorded in the settlement proceedings, and a copy of such recorded specification of his holding and rent given to every ryot willing to take it.

4. Section 13, Bengal Act VIII of 1879 provides that rent recorded in settlement proceedings shall not be liable to enhancement until ten years shall have elapsed from the date on which the settlement took effect, or until the period of the settlement shall have expired, whichever may first occur.

5. The above rules in regard to the terms for pottahs do not, of course, apply where ryots have rights to hold the lands at fixed rates.

Section VII.—Disposal of Claims to hold Land Rent-free or at fixed Jamas.

1. With regard to resumptions, lands that have been occupied for 60 years without payment of revenue cannot be assessed, but are protected by limitation. The onus of proof is on the person claiming to hold revenue-free, but when it is practically certain that no revenue has been paid since the permanent settlement, no resumption proceedings should be instituted. In the case of alluvial accretions a different procedure based on a periodical survey is prescribed. Hence resumption proceedings for the purpose of declaring lands which are held free of revenue, to be liable to pay revenue will in future be very rare indeed, it has not therefore been thought necessary to reproduce the rules. The memorandum of the Secretary to Government in the Secretariat Department of 18th August 1825, which formed an annexure to those rules is however reprinted as Appendix A; as it may be useful in deciding on the powers of different resumption authorities to whose proceedings reference may be made (*vide* paragraph 21 of the memorandum.)

The rules passed by the Supreme Government on the 17th November 1840 "for the guidance of officers prosecuting public claims upon tenures held without payment of revenue" are also reprinted in Appendix D which formed Chapter XVII of the old edition of the Board's Rules.

2. Proceedings to resume and assess holdings which are found to be held without payment of rent, or as mokarrari, or invalid tenures in estates under temporary settlement, or resumed, or purchased for Government at sales for arrears of revenue, should be taken under Regulations IX of 1825 and II of 1819.

3. The Settlement Officer should issue the notice prescribed by clause 2, section 5, Regulation IX of 1825, in all cases where there is reason to believe that such tenures exist. After the expiration of the term specified in the section, the Settlement Officer should take up the claims in the manner enjoined by law, and, unless himself empowered to decide them, prepare the cases carefully for the Collector.

4. In the investigation of such cases regard must be had to the rules passed by Government on the 17th November 1840 printed as Appendix D.

5. If the rent-free or mokurari title appears to be unimpeachable, the facts should be reported to the Commissioner, who will

review them and record a proceeding, which will form part of the settlement record. If the Commissioner's proceedings confirm the Settlement Officer's or Collector's conclusion, no further proceedings will be taken—the tenure will be admitted to be rent-free or mokurari.

6. If, in the opinion of the Settlement Officer or Collector the tenure is invalid, he shall report the case for the orders of the Commissioner, and on receipt of orders confirming his decision he shall proceed to assess it under section 22, Regulation II of 1819, as modified by section 10, Regulation III of 1828. (Under Regulation I of 1829, the Commissioners exercise the powers conferred on the Board by the above-quoted Regulations.)

7. No tenure should be brought under assessment in the course of settlement proceedings where the facts show that a civil suit for resumption would be barred by limitation.

8. No tenure, therefore, which has been held rent-free or at a fixed rent since the permanent settlement can now be assessed, and no resumed tenures therefore are entitled to the favourable terms of settlement prescribed by clause 2,* section 8, Regulation XIX of 1793. If in any case, however, the Collector thinks that favourable rates of settlement should be granted to the holder of a resumed tenure, he should report specially for the order of the Commissioner.

9. In escheated, forfeited, and other estates, where Government steps merely into the rights of a former proprietor, the provisions of clause 6, section 2, and the 33* following sections of Regulation VII of 1822, are made applicable by clause 2, section 2, Regulation IX of 1825; but the provisions of that Regulation and of Regulation II of 1819 cannot be employed in such estates for the resumption of rent-free and other tenures under 100 bighas. The Collector must in such cases proceed by civil suit, and the onus is on him to show that at some time since the permanent settlement the tenure formed part of the mal assets of the estate, and that the suit is not barred by the law of limitation.

10. The resumption *for* Government of tenures over 100 beeghas found included in such estates must also be effected by regular suit.

11. Under section 29, Act IX of 1871, at the expiration of the period limited by that Act to any person for instituting a suit for the possession of land, his *right* to such land becomes extinguished. In any estate, therefore, where Government succeeds only to the rights of a former proprietor, it has no right to sue for resumption in cases where its predecessor in estate was barred.

* NOTE.—Section 27 of Regulation VII of 1822 has been repealed by Act XII of 1876; *vide* also clause 11, section II of this chapter.

12. In settling estates purchased at sales for arrears, the Government has the same powers of voiding under-tenures that any other auction purchaser has.

SECTION VIII.—PROVISION FOR POLICE, ROADS, PUTWAREES, &c.

1. In the settlement of some estates it may still be necessary to provide for the performance of the duties, incumbent on zemindars generally, of giving notice of the occurrence of offences against the law and aiding the Police in the apprehension of offenders. The Settlement Officer must in such cases make an adequate provision for the maintenance of such subordinate officers as may be required for this purpose. Ordinarily, however, the provisions of recent legislation, such as Bengal Act VI of 1870, make this unnecessary.

2. Where a special provision for village police is necessary, the Magistrate will, on application, inform the Settlement Officer whether the provision should be in land or money, and what number of individuals are required for each village. On receipt of this information the Settlement Officer should assign about three acres of average land to each chowkidar and an acre to each bullahir if the subsistence is required to be in land; and three rupees a month to each chowkidar and one rupee to each bullahir if in money. In the former case the Settlement Officer should furnish the Magistrate with a statement of the numbers assigned to the fields in the map and khasra.

3. With reference to the provisions of Bengal Act VIII of 1862, no provision need be made in Government estates any more than in estates the property of private individuals, for the performance of the district postal service. Under the Act, if the estate is farmed, the rate is payable by the farmer; and when an estate is held under the direct management of the Collector, he must pay the rate on the part of Government from the budget grant for charges on account of Government estates.

4. It is unnecessary to make any provision for roads in the settlement, these being now constructed from District Road Funds, or contributions from the Estates' Improvement Fund; but in revising settlements the Settlement Officer must bear in mind the relief given by remission of the one per cent. formerly paid by settlement-holders on this account.

SECTION IX.—DETERMINATION OF ASSETS, ALLOWANCES, AND THE LAND REVENUE DEMAND.

1. The land revenue demand will be assessed on the assets of the estate which will consist of the aggregate of the rents recorded by the Settlement Officer as demandable (1) from all the ryots whose holdings are not included in tenures which are

binding on the Government; (2) from all dependent talukdars and under-tenants of the first degree whose tenures are binding on the Government.

Any deductions which may be necessary under Rule 7 below must be made from the assets before the revenues assessed upon them.

2. Parcels under 50 bighas in one village released from assessment under Government order dated the 26th January 1841 must, under the ruling of Government of the 5th June 1843, continue excluded from the settlement of the rest of the tenure, so as not to be regarded as forming a part of it.

3. In an estate the property of Government the entire assets as described above will be at the disposal of Government, either to take as the land revenue demand, or to divide with any person with whom a contract arrangement may be made for the collection of the rents, in which case the land revenue demand entered in the revenue roll or towjeh will be the assets *minus* the allowance which is made to such person to cover the risks and costs of collection, and for his own profit.

4. In estates other than those which are the property of Government, the land revenue demand will be assessed by deducting from the assets the allowances to which the proprietor, or the person having a right to settlement, is entitled under the orders of Government for the time being in force.

5. The allowances to be granted to settlement-holders and farmers of estates hereafter settled or let in farm (not being cases covered by Rule 2 below in section XI) have been fixed by the Government as follows:—

(1) In Government estates settled with tenure-holders or with one or more principal ryots as representatives of the rest, or with a farmer, when, under special circumstances, settlement with a farmer is rendered necessary, 20 per cent of the gross assets should be allowed for collection expenses and farming profits.

(2) In resumed estates settled with the proprietors, a consolidated allowance of 30 per cent. should be given for collection expenses and proprietary allowance.

(3) In estates let in farm in consequence of the refusal of the proprietors to accept settlement, a consolidated allowance of 20 per cent. should be given for collection expenses and farming profits, and 10 per cent. should be allowed as malikana to the proprietor.

6. If in any particular case, looking to the allowance hitherto made in the particular estate under settlement, or for any other

good reason, the allowances for collection expenses as fixed above appear to be unduly high, the Board, on the recommendation of the Commissioner, may, at their discretion, reduce the allowances. It is, however, desirable that in all cases the allowances should be liberal, and such as to content the farmer or proprietor concerned, and render his attempting to levy irregular exactions unlikely.

7. It is to be observed that the consolidated allowances under the above rules are to be calculated upon the assets of the estate after deductions have been made for putwarees' fees, and for any other items falling under the heading of "other expenses, if any." Under section 5, Regulation VII of 1822, the 10 per cent. allowance for malikana, in the case of proprietors refusing settlement, must be calculated on the net amount realized by Government, *i.e.*, on the assets after deducting the consolidated allowances for farming profits and cost of collections.

Section X.—Selection of Settlement-holders.

1. It is the duty of the Settlement Officer to determine with whom the settlement shall be made, and to adjust the terms, subject to revision by the superior revenue authorities.

2. The mode of dealing with Government estates is explained in Chapter III (Government estates), volume I of Board's Rules.

3. The former proprietors of estates purchased by Government are not to be admitted to settlement, unless it should clearly appear that the sale of the estate was not caused by any oppression or mismanagement on their part.

4. In farming Government estates, the Settlement Officer should exercise his discretion as regards the requisition of security, with due reference to the means and character of the farmer. When the farmer is a person of known integrity and substance, the security may be dispensed with. The practice which prevails in some places of demanding a deposit of a year's rent as security is approved, especially in the case of small farmers. Sums due from farmers and their securities are recoverable under the provisions of Bengal Act VII of 1868.

5. The settlement of temporarily-settled estates, the property of private individuals, should of course be made with the proprietors.

6. The settlement of resumed lakhiraj estates should, as a general rule, be made with the proprietors. In the Behar districts, where the interests of two parties require to be adjusted, namely, the proprietors and the lakhirajdars, the settlement should be conducted under the rules given in Appendix B.

7. Resumed towfir should be settled at full rates with the party who may prove his title thereto.

8. The settlement of resumed alluvion should be made with the proprietor of the estate to which it is an increment. Such settlement is to be in all cases temporary. Whenever settlement is not made with the owner of the proprietary right, he is entitled to malikana.

9. When all the subordinate arrangements for settlement have been completed, the Settlement Officer should procure the attendance of the person *entitled* to settlement, and call upon him to sign the kabuliyat, or state in writing his objections. These objections, if any, must receive consideration and be removed if practicable; but should they be such as are not entitled to attention, the reasons for rejecting them and otherwise disposing of the estate should be recorded.

10. When it is found necessary, in consequence of the recusance of the party entitled to settlement, to engage with other parties for the payment of the Government revenue, the preference should be given (1*st*) to a farming settlement with one or more of the head ryots on the estate; (2*nd*) to direct management by the Collector (3*rd*) to a farming lease to an outsider.

11. It occasionally happens that the duty devolves upon a Collector of making a settlement of an undivided share of an estate or tenure, which is the property of Government. It will often be convenient and unobjectionable to give such a share on farm to the co-sharers in the estate so as to avoid the inconvenience to the tenants of having to deal with more than one landlord.

Section XI.—Period of Settlement.

1. No estate should be permanently settled unless the holders have a clear statutory right to such a settlement.

2. Under the orders embodied in the Board's circular order No. 6 of January 1866 (reproduced below), all resumed revenue-free estates in permanently-settled districts are entitled to permanent settlement.

Circular No. 6.

I.—It has been decided by the Governor-General in Council* that "clauses 2 and 3 of section 8 of Regulation XIX of 1793, lay down rules for calculating the revenue to be fixed on resumed zemindari lakhiraj tenures, and provide that if the proprietor agree to the amount so fixed, he and his heirs and successors shall hold the land, at such fixed revenue for ever. There is no power to make any reservation

* Order to Government of Bengal, No. 444, dated 13th January 1866.

on account of any particular sort of profit, or any one or more of the resources of the land, and no power to reserve a right of future increase on any account whatever. The jama must be assessed once and for ever, as the whole demand of the State as its share of the profits and resources of the land, of whatsoever description. The only way in which any enhancement above the first year's revenue is allowable is by the fixing of a progressively increasing jama, which is allowable only when part of the land is uncultivated, and must be definitely fixed, at the time of settlement, under certain reasonable restrictions."

II.—In accordance with this construction of the law on the subject, the Governor-General in Council has deliberately declared that "the proprietor of a resumed lakhiraj estate in a permanently settled district is entitled to a permanent settlement thereof, based on the assets as existing at the time of resumption."

III.—His Excellency in Council has further resolved that these principles shall be applied immediately to the case of all resumed revenue-free estates which, under any different interpretation of the law, are now settled for a term of years only, instead of being settled permanently.

IV.—The orders of the Governor-General in Council are "that all existing settlements of resumed revenue-free estates shall be upheld as permanent settlements, except when it shall appear that a settlement was avowedly made at lower rates than those at which it would have been made if the revenue authorities had intended a permanent settlement, and when, in any such case, the settlement papers themselves may give the means of estimating the full assets of the estate, including capabilities."

V.— * * * * * *

VI.—In all such cases it will be only necessary to ascertain that the settlement was not made "*avowedly* at lower rates than those at which it would have been made if the revenue authorities had intended a permanent settlement." Except in that contingency, all existing temporary settlements of resumed revenue-free lands are to be at once declared permanent, revised engagements being exchanged with the proprietors.

VII.—Even in the excepted cases, the current settlement is only to be revised so far as "the settlement papers themselves may give the means of estimating the full assets and capabilities of the estate" at the time the settlement was made.

3. No invariable rule can be laid down respecting settlements upon a gradually increasing revenue. The nature of the settlement is to be determined in each case according to circumstances. When the law entitles a party to a settlement in perpetuity, such settlement *must be* made, whatever may be the condition of the estate in respect of cultivation. The question is not as between a settlement upon an increasing revenue and a temporary lease, but as between a perpetual settlement at an increasing, and the same at a fixed, revenue.

4. By notification dated 9th December 1872, Government fixed the undermentioned years for the termination of very long term settlements, such as those of fully-developed temporarily settled estates, the property of private individuals in each division in Bengal, the object being that the settlements of each division shall fall in at the same time so that settlement parties may be

organized and employed first in one district, and then transferred to another:—

In the Burdwan	division ...	...	1900 A.D.
„ Presidency	„ ...	...	1904 „
„ Rajshahye and Cooch Behar	„ ...	...	1901 „
	„ ...	...	1903 „
„ Dacca	„ ...	...	1907 „
„ Chittagong	„ ...	...	1898 „
„ Patna	„	Patna and Gya ...	1890 „
		Mozufferpore, Durbhunga and Sarun	1891 „
		Shahabad ...	1892 „
„ Bhagulpore	„ ...	...	1902 „
„ Orissa	„ ...	...	1897 „
„ Chota Nagpore	„ ...	...	1897 „

This will not apply to new alluvial lands, or undeveloped estates of which the Board, or other competent authority, may, under the rules, or in the exercise of their discretion, think fit to make settlements for shorter periods.

5. In all cases of settlements other than those which the Collector himself is competent to sanction under Rule I and II Section XVI, whether the estate under settlement be the property of Government or belong to a private proprietor, the new regular settlement proposed by the Collector should, from the date of expiry of the current settlement, be concluded in anticipation of sanction, but with a distinct proviso that any alteration in its terms which may be subsequently prescribed by competent authority shall take retrospective effect from the date on which the estate shall have been brought under the terms of the new settlement.

6. This is not, however, to be held to interfere with the Collector's power to hold any Government estate under khas management on the expiry of the engagement on which it has been held, when he shall be of opinion that such a course is preferable to the provisional conclusion of the regular settlement proposed by him; nor to preclude him from adopting a similar course in regard to any estate, the property of a private person, on refusal of the proprietor to accept the provisional engagement mentioned in the foregoing rule.

Section XII.—Alluvial Formation.

Islands the property of Government.

1. Whenever the Collector may receive information by report from the Survey Department, or from any other quarter, that an island has formed in any large navigable river within his jurisdiction, he shall proceed to inquire whether the alluvial

formation, or any part of it, occupies a site identifiable as having once belonged to an estate on which no remission of revenue has been allowed in respect of such site or to a valid lakhiraj tenure. If the whole formation occupy such a site, the Collector shall take no further proceedings.

2. If, on the other hand, the formation, or any part of it, does not occupy a site so identifiable, the Collector shall next proceed to consider whether such formation, or such part of it, comes properly under the description contained in clause 3, section 4, Regulation XI of 1825. If he find that it does, he should at once proceed to take possession under the authority conveyed by section 3, Bengal Act IV of 1868, which modifies Act IX of 1847 as regards islands.

3. This should be done in the usual native method, viz., by erecting a long bamboo on the land in the presence of some of the chowkidars or chief inhabitants of the neighbouring villages. A proceeding should be recorded on the spot by the officer taking possession, and should be attested by the witnesses This proceeding should contain as exact a statement of the position and area of the land as can be made with compass bearings of conspicuous objects on the mainland.

4. Possession assumed under Rule 2 should be merely temporary until it has been ascertained whether or not the channel round the island is fordable throughout the year. If the channel be found to be not so fordable, the land should be considered the property of Government, and should be assessed and settled.

5. In every succeeding year, up to the time when the island may come under settlement, enquiry should be made at the end of the rainy season into its condition, and the rights of Government re-asserted wherever necessary.

6. A register of such cases should be kept in the form given in Appendix No. 15.

7. In these cases the proprietary right being vested in Government, no party can have any *right* to engage. Should any person, however, acting in good faith have broken up the soil, his prior occupancy may be taken into consideration.

Increments to estates, the property of the owners of the estates.

8. Land gained by gradual accession, whether from the recess of a river or of the sea, is, under section IV, Regulation XI of 1825, to be considered an increment to the tenure of the person to whose land or estate it is thus annexed; but, as mentioned in that section, such land is liable to assessment to the public revenue to which it may be liable under the provisions of Regulation II of 1819 or of any other law in force; *i.e.*, it is

liable to assessment "in the same manner as other unsettled mehals," and the revenue assessed belongs to Government (*vide* clauses 1 and 2, section 3, Regulation II of 1819).

9. Act IX of 1847 laid down—

"that no measures shall hereafter be taken for the assessment of such lands * * * * except under the provisions of this Act."

Section III of the Act is as follows:—

"It shall be lawful for the Government of Bengal, in all districts or parts of districts, of which a revenue survey may have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey."

Section 5 provides for deductions from the sudder jamma to be made on account of land which such new maps show to have been washed away; and section 6 for assessments on land which such new maps shew to have been added to estates.

10. In connection with the surveys of the lands on the banks of the Ganges and Megna in the Furreedpore, Dacca, and other districts in 1877 and the following years, much discussion has taken place as to the proper construction of this Act, and the action to be taken under it. It has been decided that land which can be proved to have re-formed on a site which was formerly occupied by land included in the permanent settlement is not liable to assessment as having been "added" to the estate in the sense of section 6 of the Act, even though the maps of the last preceding survey may show that the site was covered with water at the time of such preceding survey.

11. On the other hand, the mere fact of the area of an estate being less than it was at the time of the settlement (in consequence of diluvion having taken place in other parts of the estate) will not exempt the settlement-holder from the liability to assessment on any particular plot of land which a comparison of the maps shows to have been "added to the estate" since the last survey, unless he can prove that such land has actually re-formed on the very site of land which existed and was included in the permanent settlement of the estate. The Government order* puts the case thus:—

* Government order No. 2947, dated 29th November 1878, paragraph 8.

"It appears to the Lieutenant-Governor that, as Government is now bound to leave alone all lands that the zemindars can show to have been within the limits of their original estates, so long as they have kept their proprietary title alive by paying the Government revenue thereon, Government may very fairly insist on assessing all lands added to the original estate by accretion from the river bed or the sea. The natural presumption is that newly-formed land is a gain from the public domain and, as such, is

liable to assessment. But it is open to any zemindar to show that it is really a re-formation, and if this is proved, or if the Revenue officers themselves have reason to believe the land to be a re-formation of revenue-paying land, they are bound to leave it alone. It is a corollary of this principle that zemindars cannot be forced to take abatements on account of diluvion: Government has no power practically to confiscate their prospective rights to re-formation."

12. The rules that have been laid down for the conduct of this dearah survey, with the approval of Government, are annexed to this section, as they will serve as a guide in similar operations; but, whenever such surveys are to be undertaken, the first step should be to obtain instructions from the Board in the shape of a set of rules for the guidance of the officers concerned. If the rules now published are wholly applicable, they can be adopted with the Board's sanction; otherwise such modifications may be proposed to the Board as the circumstances of each survey require.

13. Rules 12, 14, 18 and 19 of the annexed set embody important principles, which will apply to all such surveys and re-settlements.

14. In effecting the settlement of alluvial land with the proprietor of a temporarily-settled estate (*see* Act XXXI of 1858), the Settlement Officer should, with his consent and with the consent of the Board of Revenue, incorporate the assessment of the increment with that of the parent estate, taking one revised engagement for the amalgamated revenue of the whole as an integral estate. If the parent estate be permanently settled, or if, in the case of a temporarily-settled estate, either the proprietor or the Board decline to assent to the course above prescribed, the increment must be assessed as a distinct estate, and be thenceforward held separately liable for the revenue assessed upon it.

15. If the alluvion is formed into a separate new estate, the Settlement Officer must take special care that the boundary between the alluvion and the settled estate is accurately mapped and recorded in the settlement proceedings, so as to preclude all future doubt or dispute on the subject.

16. Should the alluvion have accreted to a dependent tenure, the dependent tenure-holder is entitled, on payment of a fair increase of rent to his superior landlord, to hold the accretion for the term of his engagement. The Settlement Officer is required by section 2, Act XXXI of 1858, to ascertain and record, according to the rules prescribed by Regulation VII of 1822, the rights of any under-tenant in any alluvial land, but the Settlement Officer should treat with the superior as the party responsible for the Government share of the rent. Should the zemindar prove recusant, the settlement may be made with the under-tenant, or the lands be held under direct management, or let in farm and treated as a separate estate, as may be most expedient.

INSTRUCTIONS FOR DEARAH SURVEY AND SETTLEMENTS.

SURVEY—(*referred to in clause* 12 *above.*)

Object of survey.

I.—The object of the present dearah survey is to identify on the ground the line which is shown in the maps of the previous revenue survey as the line of contact between the land and the river, which will be here called *the outer line.*

Where the river has cut away lands since the previous survey, this line will fall in water, and the old boundaries of villages, as shown by the previous maps to have existed between it and the present bank of the river, cannot therefore be relaid on the ground, but they must be shown in the new map by red dotted lines.

Where, on the other hand, the river has receded from its former course, this outer line will fall in land, and the Deputy Collector will have to relay it on the ground.

Base line.

II.—As much of the land shown in the previous survey maps has been subjected to fluvial action since those maps were made, it will be impossible to relay the outer line without starting the present survey from a base line on land which has not been subject to fluvial action since the last survey, on which base line must be certain points which are unmistakeably identifiable with points shown on the maps of the last survey. But the Deputy Collector will be careful to fix his base line as near as he can to the said outer line, provided that one base line shall be on land which has not been affected by fluvial action since the last survey, and which appears to be reasonably safe from being so affected for some years.

Connection of survey with previous surveys.

III.—In making surveys in districts where a previous survey has left permanent boundary marks, the Deputy Collector will connect his survey with the nearest boundary pillars shown in the professional maps. But in surveying in districts such as Tipperah, where there are no such boundary pillars, the Deputy Collector will have to find out his own starting points. He should connect his survey with some existing mark of the great trigonometrical survey pillar or some other permanent point; any information required to enable him to do so will no doubt be supplied from the Surveyor-General's Office on the application of the Collector.

Deputy Collector to issue detailed instructions to amins.

IV.—The Deputy Collector will issue detailed instructions to his surveyors and amins for relaying so much of the boundaries of villages between the base line and outer line as may be necessary for relaying the latter; for testing the accuracy of the work done on the field, and the agreement of the boundaries relaid with those shown in the maps from which they are relaid; for surveying the accretions, and for showing them on the new maps, which will, of course, contain the base line by which they can be connected with the old maps as well as the outer line.

Procedure on ascertainment of diluvion.

V.—The new maps so prepared will show at what places diluvion or accretion has occurred since the last survey. As regards diluvion, the Deputy Collector will have to take no further steps while in the field; but as regards alluvion, he will have to lay down on the ground the line of contact between the land and the river as it existed

at the previous survey. He will proceed to do this in the following manner.

Procedure on ascertainment of alluvion.

VI.—The Deputy Collector's map will show him where the boundary between any two villages struck the river at the time of the last survey. He will fix the position of every such striking point by its bearing and distance from any two of his survey stations, and will demarcate it on the ground. He will then cause to be relaid on the ground the outer boundaries of villages from point to point. This will be done from thak maps. If in any case the thakbust and the professional maps are found to disagree, the Deputy Collector will show the disagreement in his map, but will accept the boundary obtained from the professional map to be correct. If the Deputy Collector should require the data of the original professional survey of any village boundaries, in cases of material disagreement between the thak and professional maps, the Collector should apply for them from the Office of the Superintendent of Revenue Surveys.

Boundaries up to outer line to be relaid according to maps without reference to possession.

VII.—Up to this point the duty of the Deputy Collector will have been to relay on the ground the boundaries exactly as they are shown in the maps of the previous survey without any reference to possession as now found to exist. But when he comes to the new lands, *i.e.*, lands formed by the recession of the river since the previous survey, he must demarcate boundaries and measure according to possession, as his settlements must be made with the parties in possession.

Procedure as to demarcation of new lands.

VIII.—The amin employed in the measurement of the alluvial accretion, which is in excess of the land shown in the old maps, will measure separately the lands which are in possession of each separate proprietor. When the demarcation of boundaries on such land is completed, the amin will proceed, under section 11 of the Bengal Survey Act V of 1875, to obtain signatures of persons who pointed out boundaries to him, will then submit his original map to the Deputy Collector, keeping a copy on which to enter the different descriptions of cultivated and uncultivated lands, with the measurement of which he will proceed. The Deputy Collector, on receiving the amin's map, will proceed, under section 12 of the Survey Act, before he finally confirms the boundaries shown in the amin's maps.

No field by field measurement necessary.

IX.—No detailed cadastral or field by field survey will be made of such lands. The amin will simply measure the different descriptions of cultivated and uncultivated land in block for purposes of calculating the assessment.

Boundary marks.

X.—In order to make the present survey useful for future purposes, the Deputy Collector will erect permanent boundary marks along the outer line where the village boundaries struck the river at the previous survey, and also at such triple junction points between the base line and the outer line as he considers necessary.

Recovery of costs of boundary marks.

XI.—The Deputy Collector will, while in camp, try to realize from the proprietors of estates, in a summary manner, without going through the elaborate process laid down in the law, (Bengal Act V of 1875), the costs of erecting these pillars. Where he fails to realize summarily while on the spot, he will follow the procedure laid down in the law, in view of which he should be careful to issue the notice required by section 15 of the Act before erecting any permanent boundary marks.

Government estates sold since the previous revenue survey.

XII.—In the case of estates which were the property of Government at the previous survey, there are in many cases settlement maps prepared subsequent to the survey. Some of these estates may have been sold to, or permanently settled with, private persons, while others may still belong to Government. But whether they are in the hands of Government or of private persons, it will be necessary in such cases to compare, not the maps of the previous revenue survey, but, the last settlement maps with the present maps, in order to determine the loss or gain of land to be dealt with by the Deputy Collector. Accordingly, when the Deputy Collector is about to begin his operations in any district, he will call on the Collector to furnish him with a list of such riparian or island estates as have been sold by Government or have been permanently settled since the previous survey, and also of such estates as are at present under temporary settlement. This list, together with the last settlement maps of such estates, will be forwarded to the Deputy Collector, who will consult them in dealing with the alluvions and diluvions shewn in his new maps.

List of estates known to have diluviated since the previous survey.

XIII. The Deputy Collector will also call on the Collector to furnish him with a list of all estates which are known to have entirely diluviated since the last survey. This list will contain the name, number and jama of each estate, and the numbers of the thak and survey maps containing them. It will be forwarded to the Deputy Collector, who will examine his maps, and see if any of the lands contained in those estates have re-formed in their original sites, as shown in the previous survey maps. On meeting with any such case of re-formation, the Deputy Collector will report the fact to the Collector, who will take such steps as may be necessary.

SETTLEMENTS.

Assessment to be imposed on excess area according to rules in force.

XIV. When the new map shows that land has been added to the area of a village since the previous survey, or (in the case of an estate formerly the property of Government which has been sold on a permanent settlement to a private individual after the previous survey under Act IX of 1847 took place) since the date of such sale, the Deputy Collector shall at once assess the same according to the rules in force for assessing alluvial increments, and shall report his proceedings to the Collector for report to the Board, as required by section 6, Act IX of 1847. Provided, however, that the Deputy Collector shall assess no accreted land which appears to him to occupy the site of land which formed part of the estate at the time of the settlement (even though such accreted land may not have been in existence at the time of the previous survey, and may have re-formed since that survey was made) unless the proprietor shall have abandoned his proprietary right to land forming on that site by accepting a deduction from the amount of revenue originally assessed on the estate, on account of the decrease of its area by diluvion. Provided also that the Deputy Collector shall assess no land which has been added to a village of an estate which is held under a temporary settlement of which the term has not expired.

Government order No. 2947, dated 29th November 1878, to Board of Revenue.

Excess area to be left unassessed to be immediately reported.

XV. The Deputy Collector shall immediately report to the Collector every case in which he considers that lands which have been added to an estate since the previous survey should be left unassessed in accordance with the first proviso of the preceding rule, and shall submit with his report such maps and papers as shall be necessary to enable the Collector to form an opinion on the case. The Collector shall submit a similar report with his own opinion to the Commissioner, who shall pass such orders as he may think proper.

XVI.—No proceedings for assessment need be taken when the area which has been added to an estate does not exceed 10 acres, unless such area be more than one-twentieth of the area shown by the previous maps. Thus in an estate of which the area is 100 acres by the former survey, an accretion of six acres would be settled, while in an estate of 300 acres an area of 10 acres would not be noticed.

Inconsiderable accretions need not be assessed.

XVII.—Whenever lands which have accreted on the site of one estate are found to be held in possession as part of another estate, the Deputy Collector shall proceed to assess such lands, and to settle them with the party in possession.

Accretions on site of one estate held as part of another to be assessed. Government order No. 2947, dated 29th November 1878, to Board of Revenue.

XVIII.—When the new map shows that land has been washed away from, or lost to any village, he shall cause a notice to be served on the proprietor of the estate, intimating that he is entitled under the law to claim a deduction from the sudder jumma of his estate if he desires it, and explaining that if no deduction be now made on account of the area lost, on the occasion of the next survey being made the area of the estate as then found to exist will be compared, not with the area as found by the present survey, but with the area as shewn by the survey which last preceded the present survey. The notice should also intimate that no claim to deduction from the sudder jumma will be admitted unless it is made within three months of the date of the notice.

Procedure on ascertainment of excess of area lost to an estate. Government order No. 2085, dated 9th July 1868, to Board of Revenue. Government order No. 1753, dated 24th August 1866, to Board of Revenue. Government order No. 2947, dated 29th November 1878, to Board of Revenue.

XIX.—No deduction shall be made from the sudder jumma unless the zemindar desire it; but on receiving an application for reduction, the Deputy Collector will make the calculation as provided in section 5, Act IX of 1847, and report the case to the Collector, who will proceed to give effect to the deduction under that section.

Optional with zemindar to accept deduction from sudder jumma.

XX.—It is most important that the survey and settlement work shall go on simultaneously; but in case the settlement cannot be completed in the same season as the survey, any changes taking place between the survey and the settlement map will be shown on the former as well as in the latter.

Changes occurring between survey and settlement.

XXI.—As soon as possible after the close of each field season, the Deputy Collector will submit a full report of his proceedings, giving information as to the results ascertained as to areas gained and lost, the amount of additional assessment imposed, and reduction of sudder jumma allowed, and all other points of interest. The report, with the Commissioner's review of it, will be submitted to the Board.

Results to be reported at the end of each field season.

Section XIII.—Re-settlements.

1. When a detailed settlement under Regulation VII of 1822 has once been made, it will not always be necessary in all cases to go through the same process again on the expiration of the term of settlement. If, however, at the first settlement there was an undue proportion of waste, or if the estate is one exposed to alluvial action, measurements may be called for to ascertain the extent of increased cultivation or change.

2. Inquiry should always be made on the expiration of a settlement to test the propriety of the existing rates. If this inquiry shows that no change of rates is necessary, and that no other material change in the condition of the estate has taken place, detailed settlement proceedings need not be gone through, but a report in the usual form, based on the last settlement, should be submitted for orders, unless the re-settlement is one which the Collector himself is competent to sanction.

3. Under section 2, Regulation VII of 1822, zemindars, farmers, or any other malguzars, holding on after the expiration of the term of their engagements, are responsible for the revenue at the rate assessed in the last settlement.

4. Where, however, a settlement has fallen in, or is likely to fall in, before arrangements for fresh settlement are, or can be, completed, the Collector should, if the estate belong to an individual, ordinarily settle it summarily year by year, securing in the engagements any increase of revenue which the extension of cultivation or other enhancement of assets, ascertained by summary inquiry, may seem to justify. If the estate be the property of Government, it should, as a rule, be taken under khas management, &c. (*Vide* clauses 1 to 4, section I, Chapter iii of Vol. I of Board's Rules.)

5. When a re-settlement becomes necessary in consequence of the default or recusancy of a lessee or on expiry of the lease, any resident cultivators who may have been located by him should, before the lands are leased to another party, be secured in their tenures by the preparation of a rent-roll of their lands after the manner of the original settlement; and the circumstances under which they were located by the lessee should receive full consideration. But no lessee has the right to create tenures extending beyond the term of his own engagement.

Section XIV.—Cancelment of Leases and Attachment of Farms.

1. There is no law which sanctions the cancelment of a farm during the year. The practice, however, has long been to cancel a lease at once on the occurrence of a balance, when this course is judged expedient, instead of waiting till the end of the year. It is desirable that this practice should be continued. The difficulty presented by the law is met by a clause in the farmer's kabuliyat providing for the voidance of the lease on the occurrence of default. A kabuliyat, and, subject to the proviso contained in clause 4, section X, a security bond containing this and other requisite stipulations, in the form hereto annexed (Nos. 16 and 17), should be invariably executed when a lease is granted.

2. Much must be left to the discretion of the Collector in respect to the cancelment of leases. It may sometimes be expe-

dient to exercise this power immediately on the occurrence of an arrear; but, on the other hand, it may be desirable for the interests of all concerned to give the farmer an opportunity of retrieving his position by paying the balance and providing sufficient guarantees against future default.

3. In regard to cases coming under section 4, Regulation IX of 1825, the following rule should be adopted:—If a notification threatening annulment of engagements has been issued, and the lessee fail to make good the arrear within the term fixed, then, as soon as the month of grace allowed by the section cited expires, the Collector should declare, by a formal proceeding, that the settlement is annulled. Until this is done he is not warranted in refusing to accept payment of the arrear by the defaulter. If the Collector should think proper to allow further time for payment, he may suspend the order of annulment.

Section XV.—Settlement Proceedings and Reports.

1. Every settlement should be reported as soon as it is completed through the proper channel to the sanctioning authority. The report of the officer making the settlement will, if possible, be in English in the form in appendix No. 18, and it will be accompanied by an abstract of the information contained in the settlement proceedings in form No. 19, as well as by the settlement proceeding, the ameen's report, the English abstract, and, in the case of resumed estates, the resumption decree. When the settlement is of a resumed revenue-free estate, and comprises subordinate rent-free tenures, it should be certified in the report that the prescribed notices were duly issued, and the cases disposed of under the provisions of section 5, Regulation IX of 1825; and also, in cases in which the Settlement Officers have upheld such tenures, that copies of the decisions were transmitted to the Commissioner of Revenue as required by section 4, Regulation III of 1828. The name of the estate, its area and revenue, the party admitted to engage, the term of settlement, and the date from which it takes effect, should all be noted on the margin of the report.

2. In settlement proceedings and reports wherever the rate of rent per bigha is mentioned, the calculation should always be made on the standard bigha of 14,400 square feet. If it is necessary to mention the number of bighas of any other denomination, the equivalent in standard bighas should invariably be given as well in the margin.

3. Should any objections have been made to the settlement, the reasons for rejecting the petitions and for confirming the settlement should be recorded on the back of the English abstract. This abstract should remain with the record, together with another in the vernacular.

4. In reporting for confirmation settlements which have been carried out by a Deputy Collector, it will be necessary for the Collector to report his own opinion in full upon the question of the rates, mode of settlement to be adopted, and other important points with special reference to the rules in force. Similarly it will be incumbent upon the Commissioner in all cases to add his own remarks when forwarding the papers for the Board's orders.

5. Settlements of fisheries, whether the property of Government or otherwise, may be confirmed as follows, (*a*) if the settlement is at a jumma not above Rs. 200, and for a period not exceeding five years by the Collector, (*b*) if at a jumma not above Rs. 1,000, and for a period not exceeding 10 years, by the Commissioner, (*c*) other cases by the Board. But the form of report required by the foregoing rules in the case of settlements of estates consisting of land need not be submitted for the settlement of fisheries. It will be sufficient to show in the report (1) the number of the fishery mehal in the towjih, (2) the geographical limits of the right, (3) the term of the lease, (4) the rent, (5) brief explanation of the nature of the fishing (viz. the fish caught and the means used to catch them), (6) the position of the lessee (*e.g.* whether he is himself a fisherman or a speculator who intends to sublet to the actual catchers of fish), and (7) the mode of settlement adopted, whether by sale to the highest bidder or otherwise.

Section XVI.—Confirmation of Settlement.

1. The following rules have been laid down by Government* determining the authority of revenue officers of different grades to give final confirmation to settlement proceedings under Regulation VII of 1822 and other laws.

* Vide *Calcutta Gazette* of 11th June 1879, Part I, page 544.

2. In supersession of previous orders on the subject, the Lieutenant-Governor is pleased to order that the following revenue authorities, respectively, shall be competent to sanction settlement proceedings under Regulation VII of 1822 and other laws:—

I.—Settlements for a term not exceeding five years of churs the Government revenue assessed on which does not exceed Rs. 200, provided that the settlement is made with resident ryots or others entitled to a settlement, and not farmed.	The Collector.
II.—Summary settlements for one year of estates the revenue assessed on which does not exceed Rs. 500, that is, summary extensions for one year of the expiring settlements of such estates owing to detailed enquiries for a regular settlement not being completed; provided that if it is proposed so to extend such a settlement for a second year, the sanction of the Commissioner will be required.	

III.—All other summary settlements of estates of which the Government revenue does not exceed Rs. 5,000 for two years or less.	The Commissioner of the Division.
IV.—Regular settlements of estates on which the Government revenue assessed does not exceed Rs. 5,000, for the following terms, provided that the settlement be made after detailed enquiry with persons entitled to settlement, or with the local under-tenants and ryots—	
(*a*) up to the year fixed by Government for the termination of temporary settlements in the district;	
(*b*) in cases in which the law does not admit of the settlement being made for so long a period as is mentioned in (*a*), and in cases in which the term of settlement is limited by orders of the Government or Board (*e.g.* escheated lands which are ordered to be settled for 12 years only for the longest period allowed by law, or by such orders;	
(*c*) in the case of chur estates only, for not more than ten years.	
V.—Summary settlements which are beyond the competency of Commissioners.	The Board of Revenue.
VI.—Temporary settlements beyond the competency of Commissioners in which the Government revenue assessed does not exceed Rs. 25,000.	
VII.—Permanent settlements to which the proprietors have a statutory right.	

3. Temporary settlements in which the Government revenue assessed exceeds Rs. 25,000, and proposed permanent settlement to which the proprietors have no statutory right, will be reported for the orders and final sanction of Government.

4. The foregoing rules are applicable to the settlement or re-settlement of individual estates or parts of estates; but settlements of whole districts or pergunnahs, or other sub-divisions of districts, should be made and engagements taken subject to the final approval of the Government of India, to which, through the Government of Bengal, the proceedings will be reported in due course for such approval.

4. On confirmation of settlement by competent authority the Collector should put the settlement-holders in possession, if they are not already in possession, of the estate or estates settled with them.

5. All orders passed by any authority regarding settlements will be open to appeal according to law, and to revision by superior

authority without appeal, unless such revision by executive authority is barred by law.

6. At the close of every quarter the Collector shall submit to the Commissioner a return* in the form annexed (Appendix No. 20) of settlements sanctioned by him under the preceeding rules. The Commissioner shall forward this return to the Board with another, in precisely the same form, of settlements sanctioned by himself. The return contains specimen entries, showing the particulars which should be furnished by the local officers.

* No. XXIIIA.

7. After the confirmation of the settlement of an estate has been received, the estate, whether it is to be held khas or not, will no longer be shown, as "under settlement" in Return VIII.

APPENDICES.

No. 1.

[See Section I, Clause 6.]

ESTIMATE OF ESTABLISHMENTS REQUIRED FOR SETTLEMENT WORK TO BE PERFORMED DURING THE YEAR 188 -8 IN THE DIVISION OF

PART I.—*Estates of which the settlement has been, or is expected to be, taken in hand before 1st April next.*

NOTE.—Every estate estimated to consist of 1,000 acres or more must be shewn separately; all smaller estates may be shown together, the number of them only, and not the names, being given in column 1.

1. Estates.
2. Area in acres.
3. Area already measured.
4. Area which it is proposed to measure in 18 -8 by regular establishment.
5. Ditto by special establishment in 18 -8
6. Actual expenditure up to beginning of current year.
7. Estimated expenditure of current year 18 -8
8. Present establishment, including contingencies.
9. Proposed ditto ditto.
10. Period for which required.
11. Estimated total cost of settlement.
12. Estimated average cost per acre.
13. Estimated increase of revenue.
14. Remarks.

No. 1A.

[See Section I, Clause 6.]

PART II.—*Estates of which the settlement will not be taken in hand till after 1st April next.*

NOTE.—Every estate estimated to consist of 1,000 acres or more must be shewn separately; all smaller estates may be shewn together, the number of them only, and not the names, being given in column 1.

1. Estates.
2. Area in acres.
3. Area which it is proposed to measure in 18 -8 by regular establishment.
4. Ditto by special establishment.
5. Estimated expenditure of current year.

6. Proposed establishment, including contingencies.
7. Period for which required.
8. Estimated total cost of settlement.
9. Estimated average cost per acre.
10. Estimated increase of revenue.
11. Remarks.

No. 2.

[See Section III, Clause 14.]

Table for converting local bighas of 14,400 square feet, or 1,600 square yards, into acres of 4,840 square yards.

Local bighas.	Acres of 4,840 square yards.	Local bighas.	Acres of 4,840 square yards.	Local bighas.	Acres of 4,840 square yards.
1	0·330	38	12·540	75	24·750
2	0·660	39	12·870	76	25·080
3	0·990	40	13·200	77	25·410
4	1·320	41	13·530	78	25·740
5	1·650	42	13·860	79	26·070
6	1·980	43	14·190	80	26·400
7	2·310	44	14·520	81	26·730
8	2·640	45	14·850	82	27·060
9	2·970	46	15·180	83	27·390
10	3·300	47	15·510	84	27·720
11	3·630	48	15·840	85	28·050
12	3·960	49	16·170	86	28·380
13	4·290	50	16·500	87	28·710
14	4·620	51	16·830	88	29·040
15	4·950	52	17·160	89	29·370
16	5·280	53	17·490	90	29·700
17	5·610	54	17·820	91	30·030
18	5·940	55	18·150	92	30·360
19	6·270	56	18·480	93	30·690
20	6·600	57	18·810	94	31·020
21	6·930	58	19·140	95	31·350
22	7·260	59	19·470	96	31·680
23	7·590	60	19·800	97	32·010
24	7·920	61	20·130	98	32·340
25	8·250	62	20·460	99	32·670
26	8·580	63	20·790	100	33·000
27	8·910	64	21·120	200	66·000
28	9·240	65	21·450	300	99·000
29	9·570	66	21·780	400	132·000
30	9·900	67	22·110	500	165·000
31	10·230	68	22·440	600	198·000
32	10·560	69	22·770	700	231·000
33	10·890	70	23·100	800	264·000
34	11·220	71	23·430	900	297·000
35	11·550	72	23·760	1,000	330·000
36	11·880	73	24·090		
37	12·210	74	24·420		

Table for converting acres of 4,840 square yards into local bighas of 14,400 square feet, or 1,600 square yards.

Acres of 4,840 square yards.	Local bighas of 1,600 square yards.	Acres of 4,840 square yards.	Local bighas of 1,600 square yards.	Acres of 4,840 square yards.	Local bighas of 1,600 square yards.
1	3·025	38	114·950	75	226·875
2	6·050	39	117·975	76	229·900
3	9·075	40	121·000	77	232·925
4	12·100	41	124·025	78	235·950
5	15·125	42	127·050	79	238·975
6	18·150	43	130·075	80	242·000
7	21·175	44	133·100	81	245·025
8	24·200	45	136·125	82	248·050
9	27·225	46	139·150	83	251·075
10	30·250	47	142·175	84	254·100
11	33·275	48	145·200	85	257·125
12	36·300	49	148·225	86	260·150
13	39·325	50	151·250	87	263·175
14	42·350	51	154·275	88	266·200
15	45·375	52	157·300	89	269·225
16	48·400	53	160·325	90	272·250
17	51·425	54	163·350	91	275·275
18	54·450	55	166·375	92	278·300
19	57·475	56	169·400	93	281·325
20	60·500	57	172·425	94	284·350
21	63·525	58	175·450	95	287·375
22	66·550	59	178·475	96	290·400
23	69·575	60	181·500	97	293·425
24	72·600	61	184·525	98	296·450
25	75·625	62	187·550	99	299·475
26	78·650	63	190·575	100	302·500
27	81·675	64	193·600	200	605·000
28	84·700	65	196·625	300	907·500
29	87·725	66	199·650	400	1,210·000
30	90·750	67	202·675	500	1,512·500
31	93·775	68	205·700	600	1,815·000
32	96·800	69	208·725	700	2,117·500
33	99·825	70	211·750	800	2,420·000
34	102·850	71	214·775	900	2,722·500
35	105·875	72	217·800	1,000	3,025·000
36	108·900	73	220·825		
37	111·925	74	223·850		

Table for reducing acres of 4,840 *square yards to bighas of* 1,600 *square yards, applicable to a cottah of* 4 *cubits of* 18 *inches to the cubit.*

	0	1	2	3	4	5	6	7	8	9
0	0·0	3·025	6·050	9·075	12·100	15·125	18·150	21·175	24·200	27·225
10	30·250	33·275	36·300	39·325	42·350	45·375	48·400	51·425	54·450	57·475
20	60·500	63·525	66·550	69·575	72·600	75·625	78·650	81·675	84·700	87·725
30	90·750	93·775	96·800	99·825	102·850	105·875	108·900	111·925	114·950	117·975
40	121·000	124·025	127·050	130·075	133·100	136·125	139·150	142·175	145·200	148·225
50	151·250	154·275	157·300	160·325	163·350	166·375	169·400	172·425	175·450	178·475
60	181·500	184·525	187·550	190·575	193·600	196·625	199·650	202·675	205·700	208·725
70	211·750	214·775	217·800	220·825	223·850	226·875	229·900	232·925	235·950	238·975
80	242·000	245·025	248·050	251·075	254·100	257·125	260·150	263·175	266·200	269·225
90	272·250	275·275	278·300	281·325	284·350	287·375	290·400	293·425	296·450	299·475

100	302·5	600	1,815·0	1,100	3,327·5	1,600	4,840·0	2,100	6,352·5	2,600	7,865·0	3,100	9,377·5
200	605·0	700	2,117·5	1,200	3,630·0	1,700	5,142·5	2,200	6,655·0	2,700	8,167·5	3,200	9,680·0
300	907·5	800	2,420·0	1,300	3,932·5	1,800	5,445·0	2,300	6,957·5	2,800	8,470·0	3,300	9,982·5
400	1,210·0	900	2,722·5	1,400	4,235·0	1,900	5,747·5	2,400	7,260·3	2,900	8,772·5	3,400	10,285·0
500	1,512·5	1,000	3,025·0	1,500	4,537·5	2,000	6,050·0	2,500	7,562·5	3,000	9,075·0	3,500	10,587·5

No. 3.

Headings of a Surveyor's Schedule (*Chitta or Khasrah*).

[See Section III, Clauses 19-20.]

(1) Number of plot; (2) Number of plot in the former survey; (3) Its bearings; (4) Name of occupant ryot; (5) Position of each plot with relation to the preceding plot; (6) Measure of each length taken; (7) Mean length and direction; (8) Length of each breadth taken; (9) Mean breadth and direction; (10) Area of land; (11) Description of land; (12) Sort of produce; (13) Rate of rent per bigha; (14) Nature of tenure on which land is held.

Notes: 1.—Should the estate to be measured not consist of one whole village, nor of several whole villages, but of patches of land scattered in many villages, and those patches only be measured, the form must be altered to meet such circumstances. Instead of a schedule for each village, if there is but a small quantity of land in each, it may be well to have one schedule only for the estate, adding a column to the left for the name of the village, and altering the abstract and rent-roll to correspond.

2.—Should the estate consist of land scattered as above in many villages, and the measurements include the lands held separately under other estates, a column must be added shewing the separate estate under which each plot is held.

3.—If the land be held by talookdars, mokurraredars, or other dependent proprietors, or if it be held under several zemindarees in common, columns must be added shewing under what parent and dependent tenures each plot is held, so that there may be no difficulty in preparing the abstract and rent-roll of the land of each zemindaree, and of each talook, or other under-tenure.

4.—The rate entered in column 13 should be the rate paid by the occupant entered in column 4. If the land be held by a talookdar, mokurraredar, or other superior ryot, there should be another column to shew the rate paid by him.

No. 3A.

[See Section III, Clauses 19-20.]

*Form of Chitta for Districts in Eastern Bengal where required.**

(1) Number of station; (2) Number of field or dag; (3) Name of occupant ryot; (4) Description of starting or closing points of measurement, and position of each plot with relation to the preceding plot; (5) Bearing of length; (6) Length, (*a*) Length of sides, (*b*) Mean length; (7) Bearing of breadth; (8) Breadth, (*a*) Length of sides, (*b*) Mean breadth; (9) Station bearing; (10) Distance bearing; (11) Area of land; (12) Description of land; (13) Sort of produce; (14) Rate of rent per bigha; (15) Nature of tenure under which land is held; (16) Remarks.

No. 4.

Headings of a Simple Abstract to show the Land in the Possession of each Ryot (Khatian).

[See Section III, Clause 21.]

(1) Name of occupant ryot; (2) Numbers of plots (from the schedule heading 1); (3) Area of each ryot's holding; (4) Nature of tenure on which land is held; (5) Signature of ryot.

Note.—If land be held in common tenancy under two or more zemindarees, headings must be added shewing the portion belonging to each.

No. 4A.

Khatian for Districts in Eastern Bengal where required.

[See Section III, Clause 21.]

(1) Name of talook, (*a*) Number, (*b*) Name of talook and occupant talookdars; (2) Haola, (*a*) Number, (*b*) Name of haola and occupant haoladars; (3) Nim-haola, (*a*) Number, (*b*) Number of nim-haola and occupant nim-haoladars; (4) Osat-nim-haola, (*a*) Number, (*b*) Name of osat-nim-haoladars; (5) Jote, (*a*) Number, (*b*) Name of occupant jotedar; (6) Kolajote, (*a*) Number, (*b*) Name of occupant kolajotedar; (7) Number of dag; (8) Total area; (9) Unculturable lands, (*a*) Total, (*b*) Khal and marsh, (*c*) Ditches, holes, (*d*) Tanks, (*e*) Roads, (*f*) Grazing-ground; (10) Burial ground and places of cremation; (11) Remaining lands; (12) Cultivable lands, (*a*) Total, (*b*) Cultivable, (*c*) Fallow, (*d*) Jungle, (*e*) Under water, (*f*) &c.; (13) Total cultivated lands; (14) Dhani, (*a*) Total, (*b*) 1st sort, (*c*) 2nd sort, (*d*) 3rd sort; (15) Homestead, court-yard, &c., (*a*) Total, (*b*) Homestead, (*c*) Garden, (*d*) Unoccupied homestead, (*e*) Thatching grass, (*f*) (*g*) (*h*) (*k*) ; (16) Nature of tenure under which land is held; (17) Remarks. (18) Signature of ryot.

Note.—Where the above form is used, a modified form of terij or general abstract based upon it may be used, instead of No. 9 below.

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* Useful when an estate contains more than 200 acres, and is measured in lots of 200 acres or so.

No. 5.

The same when the land is held by Dependent Talookdars having Ryots under them. (*One for each Talook.*)

[See Section III, Clause 21.]

(1) Name of talook; (2) Name of talookdar; (3) Name of occupant ryots, as per schedule, heading 4; (4) Numbers borne by plots (from the schedule); (5) Area of each ryot's holding; (6) Nature of tenure on which land is held.

No. 6.

The same when the land of an Estate is held by Talookdars having land in several Villages. (*One for each Talook.*)

[See Section III, Clause 21.]

(1) Name of talook; (2) Name of talookdar; (3) Names of villages in which land is situated; (4) Numbers borne by plots (from the schedule); (5) Area of each holding; (6) Nature of tenure on which land is held.

No. 7.

Headings of Rent Roll. (*Ekwal Jamabandee.*)

[See Section III, Clause 21.]

(1) Name of occupant ryot; (2) Area of his holdings; (3) Sort of land; (4) Rate of rent; (5) Rent payable; (6) Nature of tenure on which land is held.

Note.—If land is held in common tenancy under two or more zemindarees, columns must be added showing the portion belonging to each.

No. 8.

The same when the land is held by Dependent Talookdars. (*One for each Talook.*)

[See Section III, Clause 21.]

(1) Name of talook; (2) Name of talookdar; (3) Area of each holding; (4) Sort of land; (5) Rates to be paid by ryots to talookdars; (6) Rates to be paid by talookdars to Government; (7) Rent of cultivators; (8) Rent of talookdars; (9) Nature of tenure on which land is held.

Note.—When the land is held under several zemindarees, columns should be added showing the zemindarees and the names of the zemindars, and the portion of land belonging to each.

No. 9.

The same when the land of an Estate is held by Talookdars having land in several Villages. (*One for each Talook.*)

[See Section III, Clause 21.]

(1) Name of talook; (2) Name of talookdar; (3) Names of villages in which land is situated; (4) Area of each holding; (5) Sort of land;

(6) Rates to be paid by occupant ryots to talookdars; (7) Rates to be paid by talookdars to Government; (8) Rent of cultivators; (9) Nature of tenure on which land is held; (10) Rent of talookdars.

No. 10.

General Abstract. (*Sádháran Khatián.*)

[See Section III, Clause 21.]

(1) Name of occupant, talookdar, or ryot; (2) Total area; (3) Less uncultivable lands; (4) Remaining cultivable lands; (5) Cultivable, but not cultivated, lands, unassessed, divided into (*a*) Fallow, (*b*) Jungle, uncultivated, (*c*) Under water, (*d*) &c., (*e*) &c.; (6) Total cultivable, not cultivated; (7) Cultivated lands brought under settlement divided into (*a*) House, (*b*) Court-yard, (*c*) Garden, (*d*) Rice, (*e*) &c., (*f*) &c.; (8) Total cultivated; (9) Total assessment; (10) Cultivator; (11) Talookdar; (12) Deduct allowance to under-tenants; (13) Net Government revenue; (14) Remarks.

No. 11.

Report of Ameen. (*Aminer report or Roydád.*)

[See Section III, Clause 21.]

1.—Date of appointment and of arrival at the estate.

2.—The boundaries of the estate: that is, if a village, by what villages surrounded; if a talook, by what estates or talooks surrounded; if a pergunnah, by what pergunnahs surrounded; and mention disputed boundaries, if any.

3.—The system of measurement followed: whether by acres or by bighas; and whether the measurement was conducted with a pole or chain, and by scale and compass, or otherwise.

4.—Description of the land comprised in the estate: whether high or low, poor or rich, open or jungle.

5.—The rent-free holdings in the estate, and their extent.

6.—The land not fit to be assessed at present.

7.—The rates current in the estate for each description of land; and whether they have been compared with the rates current in adjoining estates or not; and if so, the difference.

8.—Increase derived from woods, groves, jungle, &c.

9.—Fisheries.

10.—Other miscellaneous sources of increase.

11.—The different classes of cultivators found in the estate, and the claims preferred by each class. If there is a party entitled to settlement, mention whether he admits or denies the ryot's claims.

12.—The rent-roll.

13.—The number of inhabitants, distinguishing Hindus, Muhammadans, and others.

14.—Any other circumstances requiring notice.

No. 12.

Testing Form. (*Parikshyá Karibár Pát.*)

[See Section IV, Clause 1.]

(1) Number of plot in schedule; (2) Number of plot in former survey; (3) Its bearings; (4) As measured by ameen, divided into (*a*) Average length, (*b*) Average breadth, (*c*) Total, (*d*) Description of soil, (*e*) Rate per bigha; (5) As tested by settling officer, divided into (*a*) Average length, (*b*) Average breadth, (*c*) Total, (*d*) Description of soil, (*e*) Rate per bigha; (6) Increase, divided into (*a*) Area, (*b*) Description of soil, (*c*) Rate per bigha; (7) Decrease, divided into (*a*) Area, (*b*) Description of soil, (*c*) Rate per bigha; (8) Remarks.

No. 13.

Instructions for the determination of rates, and the preparation of the rate report in Khordah, issued by Hon'ble H. L. Dampier, Member of the Board of Revenue, Lower Provinces, under date 19th February 1879.

[See Section V, Clause 8.]

I.—The first and most important is the question of rates. The Settlement Officer has made certain calculations from which he has deduced a general average of the value of produce of each of the three sorts* of land into which the arable lands of the estate were grouped at Mr. Wilkinson's settlement of 1838, to which grouping it is now proposed to adhere. Mr. Wilkinson made his settlement by taking as rent one-third of what he calculated was the value of the gross produce. As the ryots whom I saw put it, Mr. Wilkinson left one-third as the cost of production, and one-third as the ryot's profit, taking the remaining third as rent. The present Settlement Officer proposes to take one-fourth only as rent; and so far the proposal seems fair enough. But it is obvious that the incidence of the rent so calculated will depend entirely on the manner in which the value of produce, assumed as the basis of the calculation, is arrived at. I have discussed the question at length with the Settlement Officer and Commissioner, and have pointed out that in the report, which should now be submitted for the purpose of obtaining the Board's sanction to the proposed rates, the most detailed account should be given of the data and considerations from which the average of the value of produce of any class of land has been educed. Tables should be furnished shewing the ruling prices of *dhan* at different periods, in each of several past years, at different markets in each zillah, if these are procurable, exceptional years being eliminated. Mr. Wilkinson took about 52 seers for the rupee as the basis of his assessment; but he appears to have taken the actual price at one time, and that (the ryots say) the cheapest time in a year of plenty, and not to have attempted an average. The Settlement Officer must guard against the error of taking this as the value of produce in 1838, which is to be contrasted with the value of 1879, educed, as it should be, by taking, *first*, the average selling price in different months as the average price of the whole year; and *next*, a general average calculated on the annual averages of several consecutive years. Such a comparison would give a very erroneous idea of the actual rise in the value of produce.

* Do-fusli, yielding two crops.
Bazi-fusli, yielding, miscellaneous crops.
Sarudh, yielding rice only.

II.—The Settlement Officer has tentatively caused the rents to be calculated in a few villages at the rates which he is inclined to propose; his intention was to adopt uniform rates for the whole estate. Looking at the table of prices of rice in different years, which have been reported

by the canoongoes, it seems to me that it will not be judicious to do so. The estate is some 70 miles in length, and the canoongo's returns show that there is a considerable difference between the prices which rule in differnet zillahs, as was to be expected from their positions. The Settement Officer should carefully analyse the market prices which have ruled each zillah separately, and evolve from them a separate average value for each zillah.

III.—The rate report should be submitted as soon possible; it should be accompanied by tables shewing the result of the assessments in one or two zillahs at the proposed rates. For purposes of comparison the following particulars should be given of the arable lands of each village, or for each group of villages, which exactly contains the area of a certain number of villages, as arranged at the last settlement:—

(1) area of each sort of arable land at Mr. Wilkinson's settlement;
(2) rate per acre at ditto;
(3) total assessment on each sort at ditto;

and the same details showing the result of the tenative assessment now made by the Settlement Officer.

IV.—Not only should figures be given, and every possible test applied to them, but all circumstances bearing on the proposed rates should be explained, *e.g.*, the particular facilities of access to markets which tend to raise prices higher in one zillah than in another. Where figures give results differing from what might reasonably be expected, there will be special reason for mistrusting and re-testing them. For instance, the canoongo's price reports show that rice habitually sells cheaper in zillah Banpore than in zillah Rameswar, which I am given to understand is contrary to the known facts.

V.—Besides treating of rates on arable lands, the rate report should deal with all other matters concerning the assessment of rents; the changes which it is proposed to make from the system of the previous settlement; the assessment of home steads, orchards, &c., the rate which it is proposed to fix for tola lands which may hereafter be brought under cultivation, &c.

No. 14.

Extracts from the Hon'ble the Court of Directors' letter No. 6 of 1837, *dated the* 12*th April* 1837.

[See Section V, Clause 12.]

27. With regard to the practice which exists of forming assessments according to the value of the crops produced, and not according to the value or capabilities of the land—a subject which was noticed by us in our despatch of the 15th February 1833—this is a mode of assessment which we find by the proceedings under review continues to be observed in many districts in the Western Provinces—a practice which, as remarked by Lord William Bentinck, must act as a check on industry and discourage cultivation.

33. You are aware that the practice existed at Bombay and Madras, as well as in Bengal, of making the assessment according to the produce, and not according to the value and capabilities of the lands, and that it was stated that the revenue could not afford to bear the change contemplated by our instructions on this subject. We trust, however, that this practice is generally discontinued at Madras and Bombay, and that the prohibitory instructions which have from time to time been received from us on this subject will be kept in view during the progress of the new settlements in the Western Provinces, and ultimately put a stop to this very objectionable

mode of assessment. It is the productive power of the land, and not its actual produce, that should be taken as the guide in making the assessment By this mode the best description of encouragement is given to the cultivator to extend cultivation and raise crops immediately beneficial and profitable to himself; and such a system, we have on former occasions observed, and are still of opinion, would not ultimately be found detrimental to the interests of the State.

No. 15.

Register to be kept of particulars of newly formed islands.

[See Section XII, Clause 6.]

(1) Serial number; (2) Name of pergunnah; (3) Name of river; (4) Date of occupation of island with description of area and bearings; (5), (6), &c., Particulars of subsequent yearly enquiries; (7) Date of settlement.

No. 16.

Translation of Kabuliyat to be executed by the farmer of temporarily-settled Estate.

[See Section XIV, Clause 1.]

To

The

I , son of , resident of , pergunnah district of , do hereby execute this kabuliyat.

I take the farming settlement of mehal in zillah , pergunnah , bearing towjeh No. , at an annual sadar jama of Rs. , for the term of years from to , on the security of , resident of . I shall collect the rents from the ryots according to law and the terms of this engagement, and pay the Government revenue kist by kist according to the instalments noted at the foot of this engagement. If I fail to pay the full amount of an instalment, or a part thereof, dué within the year, Government shall have power on its own authority, without the assistance of the courts, to cancel my lease even before the close of the current year; and in order to recover arrears of revenue, it shall be in the power of Government to bring to sale any property, movable or immovable, either pledged by my surety or held by me in my name or benamee, in which case I, my heirs and executors, shall have no grounds of objection whatever. I shall not sell or cut any trees on the estate, whether bearing fruits or not; and if through my negligence any damage is done to the estate, I shall be responsible for it. I shall not raise any objection to the payment of Government revenue on the score of inundation, drought, or any other providential visitation, neither will such objection be granted. But the rents, if any, which I may be able to collect from waste lands cultivated through my own exertion will be mine until expiry of the lease. In the event of my dying during the continuance of the term of this engagement, the Government shall have power to settle the mehal with any one or with my heirs till the conclusion of the term of the original settlement, with the consent of my heirs and surety. I shall file without any objection during the currency of the lease any papers which the Government may require from me, and any omission to do this shall be dealt with according to law. I shall at the end of each year file the measurement chittahs of the estate with jama-wasil,

talabbakee, and other collection papers which the Collector may require from me. The Collector shall have the power to cancel the farming lease if I become insolvent or allow my lease to be sold in execution of decrees. I agree also to perform the duties of a putwaree of this mehal; and be it known that without the sanction of the Collector I have not the power to transfer my rights as a farmer of the estate or sublet it to another, or make another a co-sharer with me. If I infringe any of the aforesaid conditions Government on its own authority, without the assistance of the courts, shall have power to cancel my lease. To the above effect, subject to the sanction of the Board of Revenue, I execute this kabuliyat.

No. 17.

Form of Security Bond for Farmers.

[See Section XIV, Clause 1.]

To

I , son of , resident of , pergunnah , zillah , execute this security bond.

The mehal , situated in zillah , is let in farm to resident of on receipt of a kabooliyat from him for years from to , at an annual sadar jama of Rs. . I, having become acquainted with the particulars set forth in the kabuliyat, voluntarily offer myself to be the surety of the farmer. I myself, and on behalf of my heirs, do hereby covenant to hold myself responsible for carrying out the provisions contained in the said kabuliyat and for the payment of the Government revenue. For the fulfilment of these conditions I pledge the undermentioned property, which is exclusively in my possession and enjoyment. In the event of the farmer defaulting in the payment of Government revenue, and infringing any of the conditions set forth in the kabuliyat, I myself, my heirs and executors will be responsible, and the property pledged may be sold, and the proceeds thereof applied to the liquidation of arrears of the Government revenue and road-cess. If the farmer happens to die within the term of the settlement, it shall be within the competence of Government to cancel the lease and settle the mehal with any one else.

In the event of the estate being settled with the heirs of the farmer, with my consent, till the expiration of the term of the original engagement, this security bond will remain in force, and I myself, my heirs and executors will be responsible for the payment of the Government revenue and fulfilment of all the conditions set forth in the bond, and shall never be freed from the liability. I myself, my heirs and executors shall have no power to grant, sell, pledge, or alienate in any way, directly or indirectly the undermentioned property till the accomplishment of all the conditions set forth in this security bond. Any such grants, sales, pledges, and alienations, if made, shall be null and void. If the proceeds of sale of the property pledged be inadequate to meet the amount due by the farmer, Government shall have power to realize it by sale of my other movable and immovable property, whether held in my name or benamee. If any plea of objections be raised on that account by myself, my heirs and executors they shall be invalid. I myself, my heirs and executors will not be entitled to receive back the security bond during the currency of the farming lease, nor to act in contravention of the conditions set forth in it. To this effect I execute this security bond.

Schedule of Property.

No. 18.

Final Proceeding of Settlement Officer. (Bandobast Kárak Karmachárir churánt kárjya.)

[See Section XV, Clause 1.]

1.—Character of the estate, whether private property, or the propery of Government; in the latter case, how the Government acquired it whether resumed, lakhiraj, alluvial, &c.

2.—Previous history of the estate; the result of former settlements being ordinarily given very briefly, in comparative tabular form if possible; but the account of the last preceding settlement more fully.

3.—Cause of the estate now coming under settlement.

4.—Settlement Officer's opinion on heading No. 4 of Amin's report No. (10) Description of land.

5.—Settlement Officer's opinion on heading No. 5, Rent-free holdings.

6.—Settlement Officer's opinion on heading No. 6, Land not fit to be assessed.

7.—Settlement Officer's opinion on heading No. 7, Rates on which the rents recorded as demandable from ryots of different classes have been calculated. The grounds on which these rates were determined should be very fully and clearly explained, unless they were sanctioned by superior authority on a rate report, in which case the grounds should be briefly stated, and reference made to the rate report.

8.—Settlement Officer's remarks on heading No. 8 of Amin's report, Increase of rent demand from woods, groves, jungles, &c.

9.—Settlement Officer's remarks on heading No. 9, Fisheries.

10.—Settlement Officer's remarks on heading No. 10, Other miscellaneous sources of increase.

11.—A clear account of the different classes of tenants, by whom the lands of the estate are occupied (ryots of different classes, under-tenants, or intermediate tenure-holders, talukdars, haoladars, &c.), specifying the rights claimed by each class, whether those rights are admitted or denied by the proprietor of the estate; the opinion of the Settlement Officer on the subject; the quantity of land held by tenants of each class with the assessment thereon; and distinguishing clearly between under-tenants whose tenures are admitted to be binding to the Government and others (*vide* Section 7, Bengal Act VIII of 1879).

12.—The proprietary and collection expenses allowed and on what grounds the amount was fixed.

13.—The measures pursued to obtain the attendance of those entitled to settlement if they did not come voluntarily.

14.—Other matters deserving record.

No. 19.

[See Section XV, Clause 1.]

Headings of Abstract of information relative to the assessment of Village

_____ *Pergunnah* _____ *District* _____

(_____ *Zillah* _____ *Pergunnah* _____

Grámer jomábandi Samparkiya Sambáder Sár Sangraher (Khatianer) Sirolipi Sakal.

(1) Extent in bighas; (2) Extent in acres; (3) Unassessed area, divided into—(*a*) Forest, jungle, and waste, (*b*) Site of village, roads, tanks, and land otherwise incapable of cultivation, (*c*) Rent-free, (*d*) Service, (*e*) Total; (4) Assessed area, divided into—(*a*) Cultivated and fallow, (*b*) Cultivable, not cultivated, (*c*) Total; (5) Former revenue; (6) Former rent-roll; (7) Former actual mofussil collections. *The information under these headings to be given in three lines, as follows:—*

(1) By canoongos' papers or other ancient records; (2) By last measurement; (3) By recent measurement.

No. 19A.

Particulars of Rent-free Lands (*Heading* 3) (c). (3 *Sirolipi*) *Niskar Bhúmir Bises Bibaran.*)

(1) Names of holders; (2) Devatra; (3) Brahmatra; (4) Piratra, &c., &c. Under remarks state the Regulation under which the tenure is released.

No. 19B.

Occupation of Lands. (*Bhumir Dakhal.*)

(1) Area and description of different kinds of soil recognized in the neighbourhood by marked distinctions; (2) Rate per bigha of each sort; (3) Rate per acre of each sort; (4) Bighas; (5) Acres; (6) Rent. Under all add "Siwai collections, Julkur , Phalkar , Bunkar, &c., and Total Rupees."

No. 19C.

Analysis of Revenue assessed. (*Dhárjya Haoá Rájswer Sárbhág.*)

(1) Assets assumed as basis of settlement; (2) Deduct—(*a*) Putwarees pay or fees, (*b*) Other expenses if any; (3) Remainder; (4) Deduct—(*a*) in the case of Government estates settled or farmed, 20 per cent. collection expenses, (*b*) In the case of resumed estates settled with the proprietors, 30 per cent. collection expenses and proprietary allowance, (*c*) In the case of estates farmed in consequence of refusal of proprietors to accept settlement, 20 per cent. collection expenses and farming profits, and (*d*) 10 per cent. malikana allowance to recusant proprietor; (5) Remainder or net revenue of Government; (6) Add putwarees' pay; (7) Add malikana; (8) Total amount payable by settlement-holder.

No. 19D.

Particulars of Service Lands (*Heading* 3) (*d*). (3 *Sirolipi* (*Chákran jamir Bises Bibaran.*)

(1) Office of holders; (2) Area; (3) Remarks. Held by—(*a*) Putwarees, (*b*) Mokuddums, (*c*) Ghatwals, (*d*) &c.

No. 19E.

Occupancy Rights. (*Dakhali Satwa.*)

(1) Lands how occupied; (2) Area; (3) Rent; (4) Remarks—(*a*) By proprietors, (*b*) By cultivators having right of possession at fixed rates, (*c*) By cultivators with a right of occupancy, (*d*) By other cultivators, (*e*) Cultivable, not cultivated land occupied by , total

No. 20.

Return No. XXIIIA.—Settlements sanctioned by the *during the quarter ending*

[SEE SECTION XVI, CLAUSE 6.]

Number.	Name and description of estate, with number on General Register and mofussil and sudder jamas of previous and present settlement, and term of present settlement.	Year of last previous settlement and of the present settlement.	AREA OF ESTATE IN STANDARD BIGHAS. Cultivated at time of previous settlement and at present settlement.	Cultivable, not cultivated (as in column 4.)	Not cultivable (as in column 4.)	Total area (as in column 4.)	Parties admitted to present settlement with reasons for making it with them.	Remarks, explaining any considerable increase or decrease of area or jama, the arrangements made for the management of the estate, if it is to be held under direct management of Collector, and other points worthy of mention.
1	2	3	4	5	6	7	8	9
			Bgs.	Bgs.	Bgs.	Bgs.		
1	Mehal Gatnapore. No. on General Register, 152. Property of Government, resumed as an island chur by decree of 1825.	1848	700	200	100	1,000	.....	The estate has lost 710 bighas by diluvion. The estate is cultivated by 100 ryots, of whom 80 have acquired a right of occupancy. The rates of assessment at the previous settlement were as follows:—
	Previous settlement, 1848; in farm on a jama of Rs. 1,000.	1878	200	50	40	290	To be held under direct management.	Description of land — Rate per bigha. 1848. Rs. A. P. — 1878. Rs. A. P.
	Present settlement, 1878; gross rental, Rs. 1,500, to be held khas. Rents fixed for ten years.							Bastu ... ... 1 0 0 — 1 0 0
								First class dhan land ... 1 4 0 — 1 6 0
								Second do. do. ... 1 0 0 — 1 2 0
								Orchards ... ... 1 8 0 — 1 10 0
								These are the rates recorded as payable by cultivators. The enhanced rates are in consequence of increase in value of produce since last settlement. The majority of the ryots have signed the jamabandi in token of acceptance.
2	Chur Durvesh. No. on General Register, 1010. Property of Government, resumed as an island chur by decree of 1810.	1840	5,000	500	200	5,700	.....	The area has increased by accretion, but the cylcone has thrown most of the land out of cultivalion. 100 ryots are now on the estate, and others are returning to it. The estate is covered with so-called *haoladars*, who claimed to have the rent of each tenure settled with them, and denied the right of the settlement officer to fix the rent

Previous settlement 1840 with farmer on jama of Rs. 2,000. Present settlement, 1879, gross rental, Rs. 3,000, to be held khas. Rents fixed for ten years.	1879	1,000	7,000	300	8,300	To be held under direct management.

of their ryots. Although these *haoladars* were created by the holders of a temporary farming lease, and as such have no right to be recognized by Government, it has been found that 20 out of the 30 claimants are *bonâ fide* reclaimers of the soil: they have therefore been recognized by the settlement officer. The area comprised in these 20 *hoalas* is 5,000 bighas and the following is a comparison of the rates adopted at the last and at the present settlement—

Haoladar's rates.

	Rate per bigha.	
	1840.	1879.
	Rs. A. P.	Rs. A. P.
Bastu	1 8 0	1 12 0
First class dhan land ...	2 0 0	2 4 0
Second class dhan land ...	1 12 0	2 0 0
Cultivable waste	2 4 0	2 8 0

These rates have been fixed by deducting 20 per cent. from the rates assumed as payable by the ryots to the *haoladars*. The ryots' rates, whether assumed for the purposes of calculating the *haoladars'* rents only, or authoritatively recorded as payable by the ryots who pay direct to Government, are identical as below.

The area held by ryots not included in the under-tenures is bighas 3,000, thus assessed—

	Rate per bigha.	
	1840.	1878.
	Rs. A P.	Rs. A. P.
Bastu	1 12 10	2 1 7
First class dhan land ...	2 6 5	2 11 2
Second do. do. ...	2 1 7	2 6 5
Cultivable waste	2 11 2	3 0 0

The increase is owing to the general rise in value of produce, and to the construction of an embankment at the cost of Government, which has greatly increased the productiveness of the lands.

Eighteen of the twenty *haoladars* have accepted the settlement; two are believed to be about to sue in the Civil Court for reduction of the rents as recorded. Of the ryots paying direct to Government (10), five have accepted the settlement and five refuse to agree on the ground that they are ryots of the so-called *haoladars* whom the settlement officer has refused to recognize. The estate will be managed through a tehsildar and establishment. For correspondence about this settlement, *vide* Commissioner's letter to Board, No. , dated .

No. 21.

Form of Kabuliyat to be used in temporary settlement of estates with owners.

I take the proprietary settlement of for years, from 1st April to , at an annual net revenue of Rupees , subject to the following conditions :—

1*st*—I shall be at liberty to sell, alienate, or transfer the whole or any share of the said estate subject to the terms of this settlement; but I shall remain liable for the revenue assessed thereon unless and until the transfer is registered under the provisions of Act VII (B.C.) of 1876.

2*nd*—I bind myself to respect the recorded rights possessed by the ryots, under-tenants, village head-men, and others in the said estate.

3*rd*—I will collect the rents from ryots, under-tenants, and others according to their settlements, and pay the aforesaid amount of Government revenue kist by kist, according to the kist-bundee noted at the foot of this engagement.

4*th*—If I default in the payment of any kist of the Government revenue, then the arrears due from me shall be realizable under the laws in force for the time for the realization of arrears of revenue.

5*th*—At the end of the aforesaid period of settlement, I or my legal representatives shall have the right to a renewal of the settlement on the revenue that may be then fixed. If I do not take the settlement on the revenue that may be then fixed, I shall be entitled to receive malikana at the usual rates.

6*th*—I shall not ask for any abatement of revenue in consequence of inundation, drought, or any other calamities of the season, nor shall such requests, if preferred, be listened to.

7*th*—If any waste lands in the estate be brought under cultivation through my exertions, my right to receive the rents derivable therefrom without any increase of revenue will continue during the pendency of this settlement.

8*th*—I shall submit any papers that may be from time to time called for from me by Government without any objection, so long as this lease continues in force. If I do not do so, the provisions of the law bearing on the matter will be resorted to to enforce compliance with the aforesaid requisition.

9*th*—This settlement has been made with me in anticipation of, and subject to, the sanction of the superior revenue authorities, whose orders, if any, will be carried out by me with effect from the commencement of this lease. The settlement will not be valid unless it is sanctioned by such authorities or if it is set aside by them.

10*th*—Neither I nor my heirs or representatives shall be at liberty to raise any objection to the remeasurement of the estate and reassessment of the revenue of the same after this settlement has expired.—(Vide *Circular Order No. 3 of April* 1877.)

Schedule of Kists.

No. 22.

I.—Form of Kabuliyat of a Cultivator having a right of possession at fixed rates.

THIS is the Kabuliyat executed by

a ryot of mouzah
in mehal
in pergunnah
zillah
holding a permanent right at fixed rent under the following conditions :—

In accordance with*

* [Here enter whether the rent payable on the holding has been determined in the course of settlement proceedings, by a decision of court, by mutual agreement, or otherwise.]

my holding consists of bighas (equal to acres) of land of the several descriptions enumerated below. The boundaries of each plot of land comprised in my holding are given on the back of this kabuliyat. The jama of the aforesaid holding has been ascertained to be, and is confirmed at, Rs.
I bind myself to pay this jama year by year to the person entitled to receive the rents of the mehal, according to the instalments specified at foot, and in return I will obtain a receipt for every sum paid as rent to such person as aforesaid.

I possess a right of permanent occupation in the lands now held by me at the rent specified in this kabuliyat. No one has power to evict me from such lands at will, or to enhance my rent on account of such lands, so long as I duly pay my rent. [I am entitled to take and enjoy the fruits of existing trees, or of such trees as may be planted by me in future, within the area of my present holding. I have also a right to cut or sell every tree planted and reared by myself, or by my ancestors, on my present holding.] The rights declared by my pottah to vest in me will devolve on my heirs at my death.

The passage within brackets to be included or excluded, according to custom.

Schedule.

Description of land.
Area in bighas.
Rate per bigha.
Rent.
Instalments in which rent is payable.
Total area.
Total rent.

Detail of Plots of Land comprised in the holding to which this Kabuliyat relates.

1. Number of plot according to settlement chitta.

Boundary—

2. North.
3. West.
4. South.
5. East.
6. Kind of land.
7. Rate per bigha.
8. Rent of plot.

No. 23.

II.—Form of Kabuliyat of a cultivator having a right of occupancy.

This is the Kabuliyat executed by

a ryot having a right of occupancy in mouzah
in mehal
in pergunnah
zillah
under the following conditions :—

In accordance with*

* [Here enter whether the rent payable on the holding has been determined in the course of settlement proceedings, by decision of a court, by mutual agreement, or otherwise.]

my holding consists of bighas (equal to acres) of land of the several descriptions enumerated below. The boundaries of each plot of land comprised in my holding are given on the back of this kabuliyat. The jama of the aforesaid holding has been fixed at Rs.

I bind myself to pay this jama year by year until it is altered in accordance with the law, according to the instalments specified at foot, to the person entitled to receive the rents of the mehal, and in return I will obtain a receipt for every sum paid as rent to such person as aforesaid.

I possess a right of occupancy in the lands now held by me. Neither the Government nor the person with whom a settlement of the mehal may have been made has power to evict me from such lands at will. My rent may be enhanced in accordance with the provisions of the law relating to such enhancement, but not otherwise. [I am entitled to take and enjoy the fruits of existing trees, or of such trees as may be planted by me in future, within the area of my present holding.] The rights declared by my pottah to vest in me will devolve on my heirs at my death.

The passage within brackets to be included or excluded, according to custom.

Schedule and detail of Plots of Land comprised in the holding to which this Kabuliyat relates (the same as at foot of form No. 22).

No. 24.

III.—Form of Kabuliyat of a Cultivator not known to possess a right of occupancy.

This is the Kabuliyat executed by

a ryot of
mouzah
in mehal
in pergunnah
zillah
under the following conditions :—

In accordance with*

* [Here enter whether the rent payable on the holding has been determined in the course of settlement proceedings, by decision of a court, by mutual agreement, or otherwise.]

my holding consists of bighas (equal to acres) of land of the several descriptions enumerated below. The boundaries of each plot of land comprised in my holding are given on the back of this kabuliyat. The jama of the aforesaid holding has been fixed for the present at Rs. I bind myself to pay this jama year by year till further notice according to the instalments specified at foot.

Schedule and detail of Plots of Land comprised in the holding to which this Kabuliyat relates (the same as at foot of form No. 22).

No. 25.

Form of Kabuliyat to be executed by Malgoozars in Government Estates.

I , resident (ryot, under-tenant, or village-headman, as the case may be), of Government Estate in the district of execute this engagement. I take the malgoozari settlement of the said Government estate, measuring bighas equal to acres for the term of years from the year to the year at a net annual jama of Rupees .

2. The rights conveyed to me under this engagement are those of malgoozar as hereinafter defined; and I bind myself to respect the recorded rights possessed by the royts, under-tenants, village headmen, as the case may be, in the said estate.

3. I will collect the rents from the ryots, under-tenants, as the case may be, and pay the Government revenue, kist by kist, according to the instalments noted at the foot of this engagement; and I will raise no objection on the score of drought and inundation or any other providential visitation; nor will such objection be allowed. But the rents, if any, which I may be able to collect from waste lands in the estate will be mine until the expiry of this lease.

4. If in any year during the currency of this engagement I default in the payment of the Government demand, this lease may be cancelled, and I may be ejected at the will of the Collector; and all processes applicable to farmers under Act VII (B.C.) of 1868 shall be applicable to me.

5. I will file without objection during the currency of my lease any papers which the Collector may require from me. If I do not, the Collector will have power to take action against me according to law.

6. I will not be able to transfer by private or public sale or mortage, the settlement rights conveyed to me under this lease, nor will I be able to sublet the estate.

7. I will not sell or cut any trees on the estate, whether bearing fruit or not; and if through my fault any damage is done to the estate, I will hold my self responsible for it.

8. On the expiry of the term of the settlement I shall have, as of right, the option of accepting the new settlement subject to such revised jama as may then be imposed; but failing this acceptance, my right and interest as lessee will entirely cease, and the Collector will be at liberty to make with others any fresh arrangement that may appear advisable.

9. The Collector will have power to annul my lease and to re-enter on direct possession of the estate at once in the event of the rights conveyed to me under this engagement being transferred by sale in execution of decree or other order of the Civil Court.

10. If I infringe any of the foregoing conditions, my lease will be liable to cancelment, and I to ejectment, at the will of the Collector, without the intervention of any Court of law.

11. In the event of my dying during the continuance of the term of this engagement, the lease shall not lapse, but shall devolve upon my heir for the remaining period of the original engagement.

Schedule of Kists.

APPENDIX A.

[See Section VII, Clause 1.]

Memorandum by the Secretary to Government, Territorial Department, dated 18th August 1825.

The Provincial Councils established on the 23rd November 1773* were authorized to grant sunnuds for malgoozaree lands bearing a jummat of Rs. 1,000, and for lakhiraj lands bearing a jama of Rs. 100; all such sunnuds to be duly registered, and copy of registry sent to the Presidency.

* Revenue Consultation, 23rd November 1773, Article 20.

† This is the word used; probably yearly rent was meant.

2. It has been sometimes supposed that the above rule was designed to vest the Council with a power of making grants to a limited extent, and, consequently, their power of confirming existing grants had no limit. This, however, appears to be a mistake. The sunnuds were to be issued in a judicial capacity, and Government never seems to have delegated the right of making gratuitous grants, though of course, if the Council abused their trust, it would be impracticable probably to distinguish the one case from the other, and all their sunnuds, regularly issued and duly authenticated, must be held conclusive for lands of the above value.

3. By plan of a Bazee Zemin Dufter for Bengal, proposed by the Committee of Revenue on the 23rd May 1782, and approved by Government on the 31st of the same month, the Superintendent was directed to prepare drafts of new sunnuds to possessors of rent-free lands antecedent to the 12th August 1765, to submit them and deliver them to the Committee for approbation. Grants of a subsequent date, if not already confirmed by the Government or the late President in Council, were not to be deemed valid until confirmed by Government.

4. It was at the same time distinctly provided "that the Superintendent of the Bazee Zemin Dufter is not, in any case, to decide upon the property of the land, or the validity of the titles, but to make his report to the Committee, by whom the decision is to be made."

5. In the ninth article, also, it is provided that the Superintendent should prepare the drafts of the new sunnuds to be granted under the 8th rule for lands held free of assessment antecedent to the 12th August 1765, and that, having attested them, he should deliver them in to the Committee of Revenue for approbation.

6. By the regulation proposed by the Committee of Revenue on the 18th August 1783, and approved by the Government on the 26th of the same month, the Superintendent was authorized to confirm sunnuds for lands not exceeding 200 bighas.

7. This last regulation provided also for the confirmation, without inquiry, of sunnuds falling under the rule of November 1773 above quoted, which had been before overlooked. It likewise confirmed grants of land (not comar) made by zemindars, in cases in which they did not exceed 50 bighas.

8. Through some (apparently clerical) error, it would appear that while by the rules, as recorded on the records of Government, the limit is above 200 bighas, the Board's records specify 250 bighas as the quantity which the Superintendent might confirm, and as this appears to have been acted upon, it must, I apprehend, be allowed to stand.

9. It also appears from the Board of Revenue's record that on the 25th July 1782 the Superintendent was authorized to confirm without investigation the rent-free tenures of Brahmins in cases in which they did not exceed 10 bighas in extent. This rule appears to be virtually sanctioned by clause 4, section 3, Regulation XIX of 1793, but its operation must be limited to grants made before 1178, B. S. and 1179, F. S.

10. Sunnuds referred to the Commiftee would appear to have been signed by the President, being likewise signed by the Superintendent and authenticated with the seal of his office.

11. In the plan submitted by the Board of Revenue with their letter of the 25th September 1787, and approved by Government on the 16th October following, the powers of the Superintendent (Mr. Young) were considerably circumscribed; the duty of inquiry being vested in the Collectors, while to the office of the Superintendent of the Bazee Zemin Dufter was assigned merely the task of arranging the materials furnished by them.

12. The above statement has reference to Bengal, in regard to which it may be proper further to remark that the proceedings of the Superintendents (J. Dynely and E. A. Young) would appear to have been confined to the districts of Midnapore and Burdwan; and from the latter districts no reports appear to have been made to the Committee, and no sunnuds for lands exceeding 250 bighas purporting to have been issued by the Superintendent, can be authentic, or if authentic, valid. In all cases, too, signatures and seals should be narrowly examined, the latter especially: both because the seal of the Dufter appears to have been lost or mislaid (not having been delivered to the Board of Revenue with the records in 1793), and because it must have been easily counterfeited.

13. In Behar an investigation was made by Mr. George Vansittart, Chief of the Provincial Council in 1773, but appears to have been confined to jagheers and ultumgha and mudud-mash tenures. On the 29th June 1784, an office of registry was established according to a plan proposed by Mr. Shore. Mr. Bushby was appointed Superintendent, and Mr. Holt his assistant.

14. Lands the annual produce of which did not exceed Rs. 200 were exempted from enquiry, and in regard to more extensive tenures it was clearly the intention of Government to confine the duties of the Superintendents to that of investigation and report, and not to vest them with any power of confirming grants.

15. Mr. Bushby and Mr. Holt, however, appear to have greatly exceeded the line of their duty, and much confusion and mischief seem to have been likely to ensue, when the Committee of Revenue interposed on the 7th November 1785. The Committee addressed Government, stating that the Superintendent had, without their authority, hazarded certain material deviations from their instructions, urging the mischief likely to attend any extension of power such as the Superintendent desired to obtain, which, they observed, would render the Dufter a Court for the "resumption of land from Government," and suggesting the following specific rules:—

I.—"That the Superintendent of the rent-free lands in Behar, as to the mode and extent of his investigations, should be directed to conform strictly to his original instructions.

II.—"That all disputes between rent-free landholders should be settled not by him, but through the regular channel of Adawluts.

III.—"That on the demise of jagheerdars, &c., or as often as disobedience to his orders, in any persons subject to his authority, might make it necessary, the Superintendent should possess the power of attaching their lands, and of collecting and keeping in deposit the rents, giving early notice to the Committee of his having done so, with his reasons; but in no case should he resume any land without the express sanction of the Hon'ble Board previously notified to him through the same channel.

IV.—"That all lands so resumed shall be forthwith delivered over to the Collector within whose limits they may be respectively situated.

V.—"That neither new sunnuds shall be granted, nor former sunnuds confirmed, by the Superintendent, without the approbation and orders of the Committee of Revenue, or of the Hon'ble the Governor-General in Council through the Committee of Revenue.

VI.—"That malgoozaree land, or in other words land now paying rent to Government, shall be wholly and absolutely exempt from any enquiry or investigation by the Superintendent.

VII.—"That transcripts of all the Superintendent's proceedings be transmitted monthly to the Committee of Revenue." "Without these" (the Committee added) "we can neither ourselves form a precise judgment of the state of the business, nor report upon the conduct and progress of it to the Board, either with accuracy or confidence."

16. The Committee observed that, under such restrictions, Mr. Young, Superintendent of the Bengal Bazee Zemin Dufter, was then executing the trust reposed in him and executing it with success; neither giving to others any just cause of complaint, nor, as they believed, meeting himself with any obstruction.

17. The rules proposed by the Committee were entirely approved of by Government.

18. But the office appears to have been abolished on the 31st May 1786. A resolution of Government, dated 22nd February of that year, directs that the office should be continued under the charge of Mr. Holt until the month of June following, with the same allowances as had been received by Mr. Bushby, who had resigned; and the proceedings of the Board of Revenue of the 7th June of that year contain a letter to Mr. Holt desiring him (as the period fixed by Government had expired) to repair forthwith to the presidency, and to deliver over the cash and records and lands (if any) under his charge to the Collectors of the respective districts.

19. On the 19th July 1786 it was resolved to invest the Collectors generally with the duty of investigating and reporting on lakhiraj tenures, and the Board of Revenue were desired to consider whether, and how long, the Bazee Zemin Dufter of Bengal should be continued.

20. It appears to have been continued as a presidency office of record until February 1793, when it was finally abolished on the general introduction of the Cornwallis system.

21. The above detail may be useful to the Boards and Collectors in deciding on the powers vested in the several officers whose acts or orders may be cited.

22. It appears sufficiently to establish the limits assigned to the authority of Mr. Bushby and Mr. Holt, and the records of Government appear to shew the necessity of strictly scrutinizing all the acts of those officers.

23. With regard to surshikun tenures (though in many cases hereditary), there seems to be no objection to the principle assumed by the Board that they shall be held to be for life only, where the contrary is not shewn.

24. Inquiries having been occasionally made in regard to the individuals who have, at given times, exercised judicial and revenue powers in the several provinces and districts as Chiefs, Members of Council, Committees and Boards, Supervisors, Superintendents, Collectors, and Judges, I propose to have a report, containing the necessary detail of appointments and removals, prepared in the Record Committee, and thence circulated to the several mofussil Committees respectively; such a statement regularly brought down and continued from year to year will be very useful.

25. The Committee of Records may also, I think, with advantage select and print, for the information of the service, several important papers, touching points of general interest, now locked up in the offices of Government, or among the records of the Board.

APPENDIX B.

Rules relating to Badshahee Tenures approved by Government and circulated with Board's C. O. No. 62, dated 14th June 1837.

[See Section X, Clause 6.]

I.—When a badshahee tenure shall be declared liable to assessment, if the original grantee and his successors or representatives shall have continued in the uninterrupted possession and management of the tenure for a period of sixty years, or if they shall have continued for a period of sixty years in the uninterrupted receipt of a specific portion of the produce of the lands included in the tenure, under the denomination of rent paid to them by a party occupying and managing the tenure as their agent or farmer, and not having a proprietary right in the lands, it shall be incumbent on the officer empowered to investigate the lakhiraj title in such tenures to report the circumstances of the case, as required by section 5, Regulation XIII of 1825, in order that the settlement of the tenure may be authorized to be made with the lakhirajdar, at a revenue assessed on the actual rent produce of the lands, under the general rules contained in Regulations VIII of 1793, VII of 1822, IX of 1825, and IX of 1833;* and the tenure, when so settled, shall be held to be hereditary and transferable, and the party claiming the proprietary right in the lands shall not disturb the possession of the lakhirajdar or his heirs or representatives; and any suit preferred by such party in a court of judicature shall, as provided for by section 2 of the aforesaid Regulation, be dismissed with costs.

* Modified by the rules passed by the Supreme Government on the 17th November 1840, conceding settlement at half rates to all holders of resumed lakhiraj tenures.

II.—If the proprietor of the lands included in a resumed tenure shall have continued in the possession and management of the lands after the creation of the tenure, paying the Government share of their produce to the lakhirajdar, the settlement shall be made with such proprietor under the general rules contained in the Regulations above mentioned; and it shall be lawful for the Governor of the Presidency to grant to the lakhirajdar, if in destitute circumstances, such pension for life as may be deemed proper.

See note at the end of the Rules.

III.—When the settlement of lands in a resumed grant shall be made with the lakhirajdars, if the person claiming to be proprietor of the lands shall have received malikana in money, kind, or land within the twelve years antecedent to the resumption of the tenure, or have preferred a well-founded claim thereto before a competent tribunal within that period, he shall, after the resumption, receive from Government in perpetuity an annual allowance, which shall not in any case exceed 10 per cent. on the net rental* at the time of settlement, to be paid to him by the Collector.

See note at the end of the Rules.

* By net rental is meant the rental *minus* the usual deduction for expenses and risks.

IV.—If the party claiming the proprietary right shall be allowed malikana under rule III, he shall be entitled to a money compensation for loss of settlement in addition to the annual malikana allowance awarded to him, which compensation shall be calculated at ten years' purchase on the difference between his malikana allowance and the zemindaree profits (malikana inclusive) which he would have received annually had the settlement been made with him, the said zemindaree profits being assumed at 20 per cent. on the gross rental of the lands.

See note at the end of the Rules.

V.—No claim to malikana, or to compensation for loss of settlement, shall be entertained which shall not be preferred to the revenue authorities previous to the sanction by Government of the settlement with the lakhirajdar; nor shall any claim not so preferred in the first instance be cognizable in the courts of justice.

VI.—If a lakhirajdar entitled to settlement under rule I refuse to engage on terms approved by the Board of Revenue, the settlement for his tenure shall be made with the proprietor of the lands included in the tenure, if there be one, under the general Regulations, and the recusant lakhirajdar shall not be entitled to any allowance of malikana.

VII.—If the title-deeds on which a lakhirajdar claims to hold his lands free of assessment shall have been declared by a final judgment of a competent court to have been forged or fraudulently altered, no length of possession either in the occupant or his ancestors shall be held by the revenue authorities to entitle him to a settlement for the lands, but the settlement shall be made with the proprietor of the lands, if there be one, under the general Regulations. But this rule shall not preclude the Government in its executive capacity from admitting the disseised lakhirajdar to settlement if, with reference to length of possession or other circumstances, it should be deemed right so to admit him; nor shall it endamage the claim of any party who may hold a tenure by right of purchase, and who shall prove to the satisfaction of the revenue authorities that the purchase was made by him in good faith, and in the belief that the title deeds previously forged, or fraudulently altered, were good and valid documents.

APPENDIX C.

Rules relating to Hukmee Tenures approved by Government and circulated with Board's C. O. No. 62, dated 14th June 1837.

I.—*Clause* 1.—When a hukmee tenure shall be declared liable to assessment, if the original grantee and his successors or representatives shall have continued in the uninterrupted possession and management of the tenure for a period of sixty years, or if they shall have continued for that

period in the unintèrrupted receipt of a portion of the produce of the lands included in the tenure, under the denomination of rent paid to them by a party occupying and managing the tenure as their agent or farmer, and not having a proprietary right in the lands, it shall be incumbent on the officer empowered to investigate the lakhiraj title in such tenures to report the circumstances of the case, as required by section 5, Regulation XIII of 1825, in order that the settlement may be authorized to be made with the lakhirajdar, and the tenure, when so settled, shall be held to be hereditary and transferable, and the party claiming the proprietary right in the lands shall not disturb the possession of the lakhirajdar or his heirs or representatives; and any suit preferred by such party in a court of justice shall, as provided for by section 2 of the aforesaid Regulation, be dismissed with costs.

Clause 2.—If the original grantee and his successors or representatives shall not have been in the possession and management of the tenure under the resumed grant for so long a period as sixty years, but shall have obtained possession of it previous to the 1st December 1790, the settlement shall be made with the lakhirajdar in the manner provided for in the foregoing clause, but any dispute regarding the proprietary right in the lands between the grantee and grantor or other party, or their respective heirs or successors, is to be considered as a matter of a private nature, to be determined by the civil courts, and the lakhirajdar shall continue in possession until dispossessed by a decree of a competent court of justice.

II.—The revenue to be paid by a lakhirajdar admitted to settlement for his resumed tenure is to be adjusted according to the following rules* :—

* Modified by the rules passed by the Supreme Government on the 17th November 1840, conceding half rate to all holders of resumed lakhiraj tenures.

If the grant of the tenure shall have been made previous to the Bengal year 1178, or the Fuslee or Willaitee year 1179, according as the tenure may be situated in Bengal, Behar, or Orissa (excepting Cuttack and its dependencies), the revenue to be paid by the lakhirajdar to the Government shall be equal to one-half of the rent produce of the tenure. If any part of the tenure shall be uncultivated, the lakhirajdar is to be required to bring that part into cultivation, and to pay such progressive increase, to be regulated with reference to the reduced rate of the assessment on the cultivated part, as the Board of Revenue, with the sanction of the Government, may deem reasonable.

If the grant of the tenure shall have been subsequent to the Bengal year 1178, or the Fuslee or Willaitee year 1179, according as the tenure may be situated in Bengal, Behar, or Orissa (excepting Cuttack and its dependencies), the revenue to be paid by the lakhirajdar to the Government shall be assessed under the general regulations on the whole of the actual rent produce of the tenure.

III.—If the proprietor of the lands included in a resumed tenure shall have continued in the possession and management of the lands after the creation of the tenure, paying the Government share of their produce to the lakhirajdar, the settlement shall be made with such proprietor under the general regulations, and it shall be lawful for the Governor of the Presidency to grant to the lakhirajdar, if in destitute circumstances, such provision for life as may be deemed proper.

See note at the end of the Rules.

IV.—When the settlement of lands included in a resumed grant shall be made with the lakhirajdars, if the person claiming to be the proprietor of

the lands shall have received malikana in money, kind, or land, within the twelve years antecedent to the resumption of the tenure, or have preferred a well-founded claim thereto before a competent tribunal within that period, he shall, after the resumption, receive from Government in perpetuity an annual allowance, which shall not in any case exceed 10 per cent. on the net rental* at the time of settlement, to be paid to him by the Collector.

* By net rental is meant the rental *minus* the usual deduction for expenses and risks.

V.—If the party claiming the proprietary right in the lands shall be allowed malikana under rule IV, he shall be entitled, in all cases where the settlement has been made with the lakhirajdar under clause 1, rule I, to a money compensation for loss of settlement, in addition to the annual malikana allowance awarded to him, which compensation shall be calculated at ten years' purchase on the difference between his malikana allowance and the zemindaree profits (malikana inclusive) which he would have received annually had the settlement been made with him, the said zemindaree profits being assumed at 20 per cent. on the gross rental: provided the case be not one in which (under section 4, Regulation XIII of 1825) the malik has already been debarred from settlement by an equitable law. In such cases the malik cannot be held entitled to any compensation for loss of settlement.

See note at the end of the Rules.

VI.—No claim to malikana or to compensation for loss of settlement shall be entertained which shall not be preferred in the first instance to the revenue authorities previous to the sanction by the Government of the settlement with the lakhirajdar, nor shall any claim not so preferred be cognizable in the courts of justice.

VII.—If a lakhirajdar entitled to settlement under rule I, not being malik of the lands included in his tenure, refuse to engage on terms approved by the Board of Revenue, the settlement shall be made with the proprietor, if there be one, and the recusant lakhirajdar shall not be entitled to any allowance of malikana.

Note referred to in the Rules.

The revenue officers employed to give effect to the foregoing rules should be informed that the management of a rent-free tenure by the mukaddam or head ryot of the village in which the tenure is situated, and the receipt from the lakhirajdar by such mukaddam of an allowance in land, money, or kind, for his services, are not evidence of his (the mukaddam's) proprietary right in the lands, and that a claim for malikana and compensation for loss of settlement of a resumed tenure, of which the lakhirajdar and his ancestors have had possession, or have enjoyed the rents for a period of sixty years, cannot be considered an admissible claim, unless it be proved by satisfactory evidence that the party advancing such claim has actually received from the lakhirajdar an allowance in acknowledgment of his proprietary right up to the date of resumption, or that he comes within the scope of clause 2 of rule III, relating to badshahee, or of clause 2 of rule IV, relating to hukmee tenures.

APPENDIX D.

[See Section VII, Clause 1.]

Rules passed by the Supreme Government, on the 17th November 1840, for the guidance of Officers prosecuting public claims upon tenures held without payment of revenue.

1. Officers charged with prosecuting claims against lakhiraj tenures shall not refer or maintain any suit for lands not exceeding ten bighas which have been held exempt from the payment of revenue or rent without interruption since the 1st December 1790. Provided that in the districts of Chittagong, Sylhet, and Cuttack this indulgence shall not extend to such lands, except where the produce is *bonâ fide* appropriated as an endowment for temples, or for other religious or charitable purposes; and that in Cuttack the proof of rent-free possession, without interruption, shall not be required in the cases so excepted beyond the 14th of October 1803, the date fixed by clause 7, section 18, Regulation XII of 1805.

2. In all cases where the Sudder Board of Revenue, to whom general reports shall be made, in the forms which the Board may prescribe, of claims relinquished under the preceding rule, shall pass orders for the confirmation of such relinquishment, the orders shall be final, and a certificate in the form* appended to these rules shall be granted to the holder of the lands confirmatory of his title, to secure him from all future claims, on the part of the resumption officers, on account of the lands in question.

* The form adapted to the present state of things is that given in Appendix F.

3. In estates wherein the Government have acquired the proprietary right, and which it may be determined by the revenue authorities to let in farm, the farmer shall be precluded, by an express condition in his engagements, from instituting any process for the resumption of tenures referred to in rule 1, under the privileges reserved to zemindars, talookdars, and other proprietors of estates with whom a permanent settlement has been concluded.

4. If it shall appear in the course of the investigation of any case that the produce of the lands, the revenue of which is claimed for Government (whether the same have been held since 1790 without interruption or not, and whether exceeding in extent ten bighas or less), has been applied consecutively to religious or charitable purposes, or to objects of general utility, it shall be the duty of the officer prosecuting, on the part of Government the claim to revenue, to report the fact through the prescribed channels for the consideration and orders of the Government.

5. Whenever any land has been held lakhiraj since the 12th August 1765, and the question shall arise whether, having been so held, the tenure was originally hereditary, if it be proved, or be ascertained in the course of the investigation, that one or more successions took place before the said date, such succession or successions shall be admitted by the Government prosecutor or agent as conclusive against the claim of Government to deal with the tenure as a grant for lives, liable to resumption upon decease of the incumbent of 1765; and if there be no proof of an actual succession by inheritance before the 12th August 1765, still, if from the circumstances of the case there be strong ground of presumption in favour of hereditary possession anterior to that date, the Government officers shall abandon the further prosecution of the claim by lapse, and shall not require proof to the specific conditions of the original grant in the manner prescribed by a strict interpretation of the existing law.

6. Whenever lands may be held under assignment for purposes in themselves permanent and perpetual, and their produce continues to be duly applied to those purposes, no benefit shall be taken, in the conduct of the prosecution on the part of the Government, of the provisions contained in section 12, Regulation III of 1828, under which, strictly construed, the grant, though specifying permanent objects, might be deemed to be for life, because of the omission of words declaring perpetuity in the grant. But if the grant be specified as a charitable provision for one or more persons, and not an endowment for purposes in their nature unlimited as to duration, it shall be construed strictly according to its terms.

7. Persons in possession of lakhiraj lands in Cuttack from the date of the acquisition of the province consecutively to the present date shall be allowed to retain possession during their natural lives, and in the prosecution of any claim to try the validity of the grant or title by which lands may have been so held, the demand on the part of Government shall be for an award of resumption, to take effect upon the decease of the incumbent.

8. Whenever decree of resumption may be passed against a lakhirajdar, who consecutively held the lands, and enjoyed the produce without demand of revenue for thirty years from the date of decree, the case shall be reported, through the revenue authorities, to the Government, but the settlement of the lands under the decree shall not be delayed because of such reference.

9. In the case of lands held under badshahee title, if the possession since 12th August 1765, in Bengal, Behar, and Orissa, and since 1791 in Cuttack, be consecutive and uninterrupted, and if the plea for resumption be that the original grantee did not actually and *bonâ fide* obtain possession of the lands while the grantor exercised supreme power within the territory in which the lands are situate; it will be incumbent on the Government officer conducting the prosecution, to prove the affirmative of such plea. In like manner, subsequent non-resumption by a Government officer being a condition of the validity of badshahee grants, the lakhirajdar shall not be required to prove this negative by direct evidence; but if such subsequent resumption be alleged as a ground for resumption, the proof of the fact must be exhibited on the part of Government.

10. The claim to resume, on the ground of non-registration of the tenure, in the manner prescribed by the regulations referred to in the margin, shall not be urged on the part of Government, except in districts in which registers duly prepared exist, to be produced, if required, before the tribunal deciding the case, and in which the issue of the publications prescribed in those regulations may be susceptible of proof; nor shall the claim to resume for non-registration be urged in regard to any tenures registered in the Bazee Zemin Dufters, established by orders of Government dated 31st May 1782, or in the office established for Behar by orders dated 29th June 1784, or in the Patna registry office for badshahee grants established in 1770-71; nor shall this claim be urged in respect to any tenures, the official recognition of which as lakhiraj, that is the knowledge of the existence of which as such by the public officers of Government, can be proved from the public Acts and proceedings of the Government, or of the Board of Revenue, or of the Land Revenue Collector of the district, of date prior to the passing of the Act under which the registration is made obligatory for the district in which the lands are situated.

Regulation XIX of 1793.
" XXXVII of 1793.
" XLI of 1795.
" XLII of 1795.
" XXXI of 1803.
" XXXVI of 1803.
" XII of 1805.
" VII of 1808.

11. No title to hold land lakhiraj shall be brought into question, if otherwise valid as a permanent and perpetual tenure, on the sole ground

that it is not duly described as such in the specification of the title required to be given in for registry under the Regulations above cited and referred to.

12. The above rules are to be understood as a declaration of the principles by which it is desired by the Government of India that the officers employed in prosecuting, on the part of Government, claims against the holders of lakhiraj tenures shall be guided. The rules are to be binding upon those who conduct the prosecutions and appeals on behalf of Government, and are to be enforced by the Board of Revenue, and by the Revenue Commissioners, so far as their authority reaches, in the control of the proceedings of those officers; and if, in any case that may be pending in any court of justice or other tribunal appointed to try the validity of claims to hold land exempt from the demand of the public revenues, the parties concerned shall consider that the rules and principles thus laid down have been lost sight of, or have not been properly applied by the conductor of the pleadings and proceedings for Government, they shall be at liberty, by petition to the Land Revenue Commissioner, or to the Board of Revenue, or to the Government, to procure that instructions shall be issued requiring their observance; and if decree have passed in the interim of such application, adjudging resumption upon any ground which it is herein declared to be the intention and desire of the Government to abondon, the party suffering by such decree shall, upon proper representation to the revenue authorities, be replaced in the position he would have held if such plea had been urged against him.

Rule for settlement.

13. Whenever settlement shall be made with the holder of any resumed lakhiraj tenure for the dues of Government thereupon, the jama demanded from the said holder shall be at a rate not exceeding one-half of the gross rental of the land resumed; and if the late lakhirajdar have held the whole or any part of the land in nij cultivation, then for such land at the rate of one-half of the estimated rent value. This boon is to extend prospectively to all resumed land settled since the promulgation of Regulation IX of 1825, the date on which the settlement principles of Regulation VII of 1822, for the Western Provinces, where fisrt introduced into Bengal, with the exception of lakiraj resumptions, which, after final settlement, have been transferred to new hands by public or private sale at prices corresponding, it is to be presumed, with the jama assessed upon them at the time of purchase. In cases, however, where the purchase has been made by Government the estate will be restored to the proprietors at a jama not exceeding one-half of the gross rental, subject to all obligations and incumbrances which may, subsequently to the purchase, have supervened upon it.

APPENDIX E.

[See Appendix D., Paragraph 2.]

Form of Sunnad or Certificate of Relinquishment.

Office of District

Be it known to the present and future mutasuddees and all officers, and chowdhuries, zemindars, taluqdars, and farmers (mustageran) of mouzah pergunnah district that of has filed a sunnad dated or some other deed, signed and sealed by , and proved by the evidence of witnesses that in the said village bighas of land were allotted in the name of his grandfather or father or any other person as brahmottur or devottur or whatever else it may be called;

that now the said land has been continuously in his possession, and that the said land has been in the possession and enjoyment of his ancestors and himself since 1st December 1790; and that the income of the said land has been expended in the worship of idols, mosques &c., or in other religious duties. Therefore, as he has been in possession for a long time, and the income of the land is spent in the worship of idols or on mosques, this new sunnad No. is granted and confirmed, according to previous rules, in the name of the said person, as brahmattur or devottur, under the orders of Government dated 17th August 1840, and with the sanction of the Sudder Board accorded on . You should restore the land to the said person and withdraw all objections of whatever kind, and act in accordance with the above order.

APPENDIX F.

Bill of fees due to the Government Agent at the Court of the of in the undermentioned Resumption Suits.

No. of appeal.	Appellant and respondent.	Name of estate and pergunnah.	Extent of land decreed in local measurement.	Extent in English acres.	Estimated revenue at 6 annas per acre for rent-free lands.	Estimated revenue at 3 annas per acre for alluvial lands	Value of suit at three times the estimated revenue.	Percentage of fees.	Amount of fees at foregoing percentage on value of the suit.	REMARKS.

Certified that this bill has been drawn out in accordance with the Special Commissioner's certificate and the principle and rates of calculation prescribed by the Board of Revenue.

(Sd.) A. B., *Collector.*

„ C. D., *Commissioner.*

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